No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Petition of W. C. Silverthorn and 65 other citizens of Wausau; also, of H. Perrizo and 3 others, of Oconto; also, of A. P. Church and 17 others, of Antigo; also, of E. C. Eastman and 50 others, of Marinette, all in the State of Wisconsin, praying for the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Petitions of M. M. Hawkins, C. C. Thompson, and the Arkansas Democrat Company, of Little Rock, Ark., urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. Bernard, Samuel Davis, and 24 other citizens of Russellville, Ark., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEWELL: Petition of Robert E. Wilson, of Cannelton, Perry County, Ind., for restoration on the pension rolls—to the Committee on Invalid Pensions.

By Mr. TRACEY: Petition of J. M. Daily and others, of Hughesville, Mo.; also petition of C. E. Eldridge, of Houstonia, Mo., in support of the Sherman bill, prohibiting the illicit trafficking in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. TRELOAR: Petition of Rev. Charles King, of Bowling Green, Mo., in relation to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: Petition of Ellen D. Morris, of the Woman's Christian Temperance Union of Kansas City, Mo.; also of A. C. Millard and others, of Independence, Mo., asking for the passage of House bill No. 10030, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Petitions of J. M. Carr and other citizens of Cambridge, Ohio; also of Harvey Cofer and others, of Parkersburg, W. Va.; also of C. B. Ballard and others, of Belpre, Ohio; also of John K. Wendell and others, of Zanesville, Ohio., favoring the enactment of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of Robert M. Long and other citizens of Coles County, Ill.; also petition of W. J. Buckstrees, of Clark County, Ill., in favor of the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *February 20, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ARMAMENT OF FORTIFICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War of the 19th instant, submitting an estimate of appropriation for armament of fortifications, for the purchase of machine guns for the fiscal year 1898, $20,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

BRAZOS RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in accordance with the river and harbor act of June 3, 1896, the report of the Board of Engineers appointed to ascertain the character and value of the improvements made at the mouth of the Brazos River, Texas, by the Brazos River Channel and Dock Company; which was read, and, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

Mr. FRYE subsequently said: I desire to have the order corrected with reference to a return from the commission appointed by the War Department about the Brazos investigation. The order was made that it be printed, and referred to the Committee on Commerce. I desire that it shall be amended so that the report may be printed and the charts not printed.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

REMOVALS FROM OFFICE FOR POLITICAL REASONS.

The VICE-PRESIDENT laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 17th instant, information in regard to the removals from office of certain Government employees in the Bureau of Animal Industry at South Omaha, Nebr.; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 8212) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 10290) for the relief of Joseph P. Patton was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries was read twice by its title, and referred to the Committee on Printing.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 205) granting a pension to Mary O. H. Stoneman;

A bill (S. 321) granting a pension to James W. Dunn;

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel;

A bill (H. R. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes;

A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain; and

A bill (H. R. 8197) for the relief of John J. Guerin.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the executive committee of the Grand Army of the Republic, of Kings County, N. Y., praying for the passage of Senate bill No. 5635, to amend section 1754 of the Revised Statutes of the United States, relating to preferences in the civil service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. GALLINGER presented a petition of the Young Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Pilgrim Church, of Nashua, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MURPHY presented the petitions of Homer N. McGill and 4 other citizens of Germantown; of William J. Benson and 17 other citizens of Albany; of H. C. Brown and 18 other citizens of Albany; F. E. Robbins and 73 other citizens of Frankfort; Charles Folmsbee and 6 other citizens of Hoffmans; Harry W. Smith and 5 other citizens; John Norman and 6 other citizens; G. Willis Suits and 15 other citizens, and of G. A. Stockburger and 14 other citizens, all in the State of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VEST presented a petition of sundry citizens of Bronaugh, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Butler, Hannibal, Kirksville, Mexico, Poplarbluff, and Williamsville, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VOORHEES presented the petition of W. W. Mooney & Sons, of Columbus, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Wolcottville, Terre Haute, Clinton, Dillsboro, and Elrod, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the memorial of W. H. Rucker, editor of the Register, of Lawrenceburg, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the petition of Luther P. Ludden, secretary of the Ministerial Association of Lincoln, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of B. A. Jones, publisher of the People's Poniard, of Sidney, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the enactment of legislation providing surveys of deep waterway routes from the Great Lakes to the seaboard; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of St. Paul, Faribault, Stillwater, Minneapolis, Pipestone, Woodstock, Airlie, Ortonville, Waseca, and Colonnade, all in the State of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BURROWS presented sundry petitions of citizens of Highland Station, Springlake, Grand Haven, Constantine, Newport, Mason, Hastings, Coats Grove, O'Donnell, Carleton, Hanover, Middleville, Manton, Bridgewater, Saline, Grand Rapids, Muskegon, Saginaw, Commerce, Raisin, Holloway, Fairfield, Adrian, Ogden, Kalamazoo, Port Huron, Clinton, Macon, Leslie, Whitecloud, Hersey, Reed City, Ypsilanti, Plainwell, Douglas, Clayton, Northville, Tecumseh, Albronia, Watson, Otsego, Brooklyn, Lansing, Scofield, Gilead, Fremont, Caledonia, Burroak, Flint, Caro, Mount Pleasant, Coldwater, Lenawee Junction, Bloomingdale, Irving, Bowens, Nashville, Hillsdale, Mosherville, Scipio, Muir, Somerset Center, Blissfield, Riga, Horner, North Adams, Jerome, Kinderhook, Quincy, Litchfield, Devereaux, Springport, Sheridan, Parma, Allegan, Sparta, Rockford, Hardwood, Marshall, Klingers, Erie, Adrian, Palmyra, Southfield, and Central Lake, all in the State of Michigan, and a petition of the Mechanics, Dealers, and Lumbermen's Exchange of New Orleans, La., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented a petition of 23 citizens of Iowa Falls, Iowa, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Friends' Church, of Marion, Oreg., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented sundry petitions of citizens of Greenbay, Depere, Plymouth, and Milwaukee, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Appleton, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented the petition of Adolf Candrian, publisher of the Daily Abendatem, of La Crosse, Wis., praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented a petition of members of the Congregational church, of Fulton, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Adolf Candrian, publisher of the Daily Abendatem, of La Crosse, Wis., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of the Most Reverend Archbishop Ketzer and sundry other citizens of Fond du Lac, and the petition of J. R. Wright and sundry other citizens of Marinette, Wis., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented petitions of members of the Free Methodist Church, the Congregational Church, the Christian Endeavor Society of the Congregational Church, the Christian Endeavor Society of the Primitive Methodist Church, and the Methodist Church, all of Platteville, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. PEFFER presented the petition of W. W. Brown and sundry other citizens of La Crosse, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BATE presented the petition of W. M. Horner, J. A. Catton, De Witt Lanier, and sundry other citizens of Waverly, Tenn., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BERRY presented a petition of sundry citizens of Arkadelphia, Ark., and a petition of sundry citizens of Russellville, Ark., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Ensign Society of the Young Woman's Christian Temperance Union, of Cleveland, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Brighton, Osborn, Ashtabula, Rock Creek, Medina, and Newark, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a memorial of the Kerrymen's Patriotic and Benevolent Association, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HOAR presented a petition of the Local Union of Christian Endeavor and the Epworth League Circuit, of Worcester, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. BRICE presented a petition of the Woodstock Bank, of Woodstock, Ohio, praying for the passage of House bill No. 7210, to amend section 5138 of the Revised Statutes, in relation to the organization of national banks; which was referred to the Committee on Finance.

He also presented the petition of John C. Hutchins, of Cleveland, Ohio, praying for the passage of Senate bill No. 2741, providing for a reclassification of clerks in the railway postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the faculty of Muskingum College, New Concord, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain, for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories, to prohibit interstate gambling by telegraph, telephone, or otherwise, and for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Clarksville, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, to prohibit interstate gambling by telegraph, telephone, or otherwise, to raise the age of consent to 18 years in the District of Columbia and the Territories, and to protect the first day of the week as a day of rest in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of Emil Gammeter, of Akron, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, and also to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Farmers' Institute of Marlboro, of sundry citizens of Marlboro, of the Christian Endeavor Society of South Salem, and of representatives of nine Christian Endeavor societies of Elyria, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Chamber of Commerce of Cincinnati, of the Furniture Exchange of Cincinnati, and of representatives of fifteen manufacturing establishments of Springfield, all in the State of Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of P. A. McDonough and 68 other citizens of New Straitsville, Ohio, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Woman's Club, of London; of members of the Bethlehem Congregational Church, of Cleveland; of J. B. Unthank, president of Wilmington College, Wilmington, and of the Woman's Christian Union of the Ninth district, all in the State of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petitions of Bancroft, Sheldon & Co., of Columbus; of J. R. Marshall, manager of the Ohio State Register, of Washington Court-House; of D. G. West, publisher of the Sunday News, of Springfield; and of F. S. Lamberson & Co., publishers of the Democratic Messenger, of Fremont, all in the State of Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Conneaut, Leipsic, Lima, Alliance, Petersburg, Fremont, Lisbon, Paulding, Charloe, and Hamilton, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PASCO presented the petition of Henry Horsler, of Pensacola, Fla., secretary and treasurer of the Florida Division of the Travelers' Protective Association of America, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. WALTHALL presented a petition of Division No. 207, Order of Railway Conductors, of Amory, Miss., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. COCKRELL presented sundry petitions of citizens of Butler, Knobnoster, and Mexico, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of Garden City, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of members of the Madison Avenue Methodist Episcopal Church, of Lebanon, Mo., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. TURPIE presented the petition of W. W. Mooney & Son, of Columbus, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. John A. Ward, of Bedford, Ind., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. SMITH presented a petition of the Woman's Christian Temperance Union of Palmyra, N. J., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Washington, N. J., and sundry petitions of citizens of New Jersey, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The message also announced that the House insists upon its amendments to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in the Pass a Loutre in the Mississippi River, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOOKER, Mr. REEVES, and Mr. CATCHINGS managers at the conference on the part of the House.

GEORGE W. FERREE.

Mr. BAKER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House of Representatives 10040, an act granting an increase of pension to George W. Ferree, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the amount named in the bill; and the House agree to the same.

LUCIEN BAKER,
W. A. PEFFER,
Managers on the part of the Senate.

WILLIAM E. ANDREWS,
GEORGE C. CROWTHER,
WILLIAM BAKER,
Managers on the part of the House.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the amendment submitted by Mr. THURSTON on the 17th instant, intended to be proposed to the sundry civil appropriation bill, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia, to report it without amendment. I ask that the bill shall take the place on the Calendar of Order of Business No. 1609, being the bill (S. 3575) to regulate the sale of poisons in the District of Columbia, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6268) to increase the pension of William N. Wells, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (H. R. 3842) to increase the pension of Edward Vunk, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4156) to amend the postal laws providing limited indemnity for loss of registered mail matter, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, reported it with amendments.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HANSBROUGH on the 17th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. DAVIS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. GEAR, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 3642) for the erection of a public building at the city of Elgin, Ill.;

A bill (S. 3647) for the erection of a public building at the city of East St. Louis, Ill.; and

A bill (S. 3671) for the purchase of a site and the erection of a public building thereon at Pekin, in the State of Illinois.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. PEFFER on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

MRS. MARY GOULD CARR.

Mr. GALLINGER. I ask that the action of the House of Representatives upon the Senate bill 3623, granting a pension to Mrs. Mary Gould Carr, be laid before the Senate, that we may concur in the House amendment.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, and requesting a further conference.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 7, before the word "dollars," strike out "seventy-five" and insert "fifty."

The VICE-PRESIDENT. In the absence of objection, the amendment will be concurred in.

ALABAMA RIVER BRIDGE.

Mr. VEST. I am instructed by the Committee on Commerce to report back with an amendment the bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Ala.

Mr. MORGAN. I ask unanimous consent to have the bill considered. It is a very important bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, in section 2, line 4, after the word "prescribe," to strike out the words "to secure that object."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BLANCHARD introduced a bill (S. 3720) for the relief of the State National Bank of New Orleans, La.; which was read

twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HILL introduced a bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LINDSAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEAR submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. MORGAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTIGREW, from the Committee on Indian Affairs, reported an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REVENUE CUTTER WALTER Q. GRESHAM.

Mr. BURROWS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the hull, machinery, and appurtenances of the United States revenue cutter *Walter Q. Gresham*, contracted for by the Department in the year 1895, cost the contractors over and above the contract price, if anything, and report the same to the Senate.

AFFAIRS IN CRETE.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate of the United States, being mindful of the sympathy of the people of the United States expressed for the Greeks at the time of their war for independence, now extends a like sympathy to the Government of Greece with its intervention on behalf of the people of the neighboring island of Crete, for the purpose of freeing them from the tyranny of foreign oppressors, and to restore peace, with the blessings of Christian civilization, to that distressed island.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the following act and joint resolutions:

An act (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes;

The joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies; and

The joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

BILLS BECOME LAWS.

The message also announced that the following bills having been presented to the President of the United States February 6, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (S. 146) granting an increase of pension to Samuel C. Towne;

An act (S. 638) granting an increase of pension to John Nichols;

An act (S. 684) granting an increase of pension to Marion McKibben;

An act (S. 757) granting an increase of pension to Adelaide Morris;

An act (S. 1017) granting a pension to Robert Kiracofe;

An act (S. 1310) granting an increase of pension to Shubael Gould;

An act (S. 1311) granting an increase of pension to Dudley F. Brown;

An act (S. 1949) granting an additional pension to Capt. Bradbury W. Hight;

An act (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;

An act (S. 2133) granting a pension to Mary E. Ely;

An act (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California; and

An act (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

HEIRS OF ALBERT AUGUSTINE.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse wars.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $350 to the heirs of Albert Augustine, of Rose Hill, Iowa, for property taken for use of the United States Army in the Cayuse war, in 1847 and 1848.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BASIL MORELAND.

Mr. WHITE. I ask for the present consideration of the bill (H. R. 1475) for the relief of Basil Moreland.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Basil Moreland $2,212, in full for all claim he may have against the United States for his land and improvements in Blue Earth County, Minn., taken by the United States for the Winnebago Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF FUR SEALS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 17th instant, a report from the Secretary of State touching the reply of the British Government in regard to the failure of the negotiations of the Paris tribunal to protect the fur-seal herd of Alaska.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1897.

AMERICAN INSURANCE COMPANIES IN GERMANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and to be printed:

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 15th instant, a report from the Secretary of State, accompanied by copies of correspondence with the German Government in reference to American insurance companies.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1897.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. QUAY. I move that the Senate proceed to the consideration of the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and

recommend legislation to meet the problems presented by labor, agriculture, and capital.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, which will be read for information.

The Secretary read the bill.

Mr. PLATT. Mr. President, this is perhaps the most remarkable bill in its provisions and in its purposes——

Mr. QUAY. I understand that the bill has been taken up and is before the Senate. Is that the fact?

The VICE-PRESIDENT. Did the Senator from Pennsylvania submit a motion to take it up, or did he ask for unanimous consent?

Mr. QUAY. I moved to proceed to the consideration of the bill.

The VICE-PRESIDENT. The Senator entered a motion?

Mr. QUAY. Yes, sir.

The VICE-PRESIDENT. The Chair will submit the motion to the Senate.

Mr. PLATT. I thought the bill had been taken up.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill.

Mr. HOAR. Let the bill be read once more for information.

The Secretary proceeded to read the bill.

Mr. HOAR. I do not care for a full reading. That is sufficient.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. Mr. President, of course I have no disposition to prevent the consideration of the bill at this time, but it is a bill that the Senate ought not to pass without careful consideration at least. As I was saying before the motion was formally put (I supposed the bill had been taken up), it seems to me to be the most remarkable bill, both in its details and in its purposes, that has ever been presented to Congress. It is a bill which proposes to offset the Government by government by commission. I wish to call the attention of the Senate, if I can have its attention, to the details of the bill.

It provides for a commission to be appointed of twelve persons in four sections, each member of said commission to have a salary of $5,000 a year. The four sections are to be denominated labor, agriculture, manufactures, and business. There has been, I think, no call from the manufacturers for such a commission. There has been no call from business men for such a commission, unless it is that a monetary commission shall be appointed to advise Congress what financial legislation it ought to pass. The manufacturers have certainly asked for no commission.

The demand, then, for this legislation comes from labor and agriculture, two classes of our citizens, and they ask that each of those classes shall have three commissioners, the majority of the commission not to belong to any one of the political parties which took part in the last Presidential election. Each commissioner is to have $5,000 per annum. That is $60,000. Each section or division is to have a lawyer at $5,000 a year, and also——

Mr. CALL. If the Senator will allow me, I hope we may have order in the Chamber, so that he can be heard.

The VICE-PRESIDENT. The Chair requests Senators to refrain from conversation. The Senator from Connecticut will suspend until order is restored. [A pause.] The Senator from Connecticut will proceed.

Mr. PLATT. This interruption having taken place, I will repeat. Each member of this commission is to have a salary of $5,000 per annum, which makes $60,000. Each of the four divisions is to employ a lawyer at $5,000, which is $20,000 more, making $80,000 per annum. Each division is also to have a clerk at $200 per month, or $2,400 per annum, which is about $10,000 more, making about $90,000 for the officials of this commission, in addition to which they are to have a reading clerk for the entire commission, shorthand reporters, a messenger, rent for place of meeting——

Mr. CULLOM. I should like, if the Senator from Connecticut will allow me, to submit a conference report on the Agricultural appropriation bill.

Mr. PLATT I am somewhat embarrassed in this matter. I have felt that the labor commission bill ought not to come before the Senate at the present time, but I did not feel like making opposition to it. The bill being up, I wish to state my objections to it, and then the Senate can do what it pleases with the measure.

Mr. CULLOM. I will present the report as soon as the Senator has concluded.

Mr. PLATT. It is pretty hard to attempt to state objections to a bill when interrupted every two or three minutes for some purpose.

Mr. CULLOM. I will not interrupt the Senator; but I give notice that as soon as he concludes his remarks I shall ask leave to submit the conference report on the Agricultural appropriation bill.

Mr. PLATT. Very well; present it now.

The VICE-PRESIDENT. The Senator from Connecticut is entitled to the floor.

Mr. CULLOM. The Senator from Connecticut yields to me to submit the conference report. I dislike to take him off the floor, but he yields, and I will submit the report.

Mr. GALLINGER. It is a question of privilege.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 13, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 17, 18, 19, 20, 22, 25, 26, 27, 28, 29, 30, 31, 32, and 33; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and strike out, in line 20, page 18, of the bill, the word "twenty-five," and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000;" and the Senate agree to the same.

S. M. CULLOM,
M. S. QUAY,
WILKINSON CALL,
Managers on the part of the Senate.

J. W. WADSWORTH,
E. S. HENRY,
J. D. CLARDY,
Managers on the part of the House.

Mr. COCKRELL. What is the effect of the agreement?

Mr. CULLOM. There are only a few amendments to the bill where the Senate conferees gave away what was agreed to in the Senate.

Referring to the amendments somewhat in detail, I will state that on page 5 of the bill the Senate made an amendment increasing the appropriation for the Division of Chemistry from $15,000 to $17,000, which is the smallest appropriation made for that branch of the service in several years. The House conferees yielded on that question, so that that item is agreed to by the conferees of the two Houses.

On page 7 of the bill, item 3, the second being a matter of no consequence, we increase the force by creating one additional assistant in the Pathological Division, at $1,200 a year, the testimony being that an additional assistant is very much needed, because the assistant who has heretofore been provided for is taken out of the office and is in service in the field a good deal. That item was agreed to by the House conferees.

Then on page 10 of the bill the clause "including an investigation into the ravages of the gypsy moth" was inserted. This was asked for by the junior Senator from Massachusetts [Mr. LODGE]. The House conferees receded on that amendment which the Senate made to the bill.

On page 11 there was an increase of the amount for biological investigations from $17,500 to $20,000. After very considerable discussion of the matter, the amount appropriated by the House being the same as in last year's act, the Senate conferees finally allowed the amount to remain as the House had fixed it, at $17,500 instead of $20,000, that being a division that we thought could get along with the same appropriation made heretofore.

On the same page, in another item, for pomological investigations, the Senate increased the amount from $6,000 to $8,000. This is for investigating, collecting, and disseminating information relating to the fruit industry, etc. The House conferees yielded upon that amendment.

Then, on page 13, item 10 was a mere insertion of an amendment providing for the using of a portion of the money for experimental gardens and grounds, in repairing the roadways and walks in the park here, which was very necessary, and the House conferees yielded on that item.

On pages 14 and 15, in regard to agricultural experiment stations, etc., the amount appropriated by the House was $750,000. The Senate inserted an amendment providing for an investigation, as far as it could go, and a report to Congress of the agricultural resources and capabilities of Alaska, and we added $5,000 for that investigation, increasing the total appropriation to $755,000. The House conferees yielded upon that amendment.

Upon the amendment on page 18, increasing the amount of the appropriation from $5,000 to $7,000, as the Senate did, for the purchase of books, periodicals, and papers for completing imperfect series, etc., the House conferees yielded, making the amount $7,000 instead of $5,000.

Then, on the same page, items 15 and 16, the Senate increased the

appropriation from $65,000 to $70,000 and from $40,000 to $45,000. That is the appropriation for the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports. After investigation of the first item the Senate conferees determined to yield and to leave the amount at $65,000 instead of $70,000. After further conference as to the next item, we reduced that to $35,000, and increased the amount of the item on the next page from $25,000 to $30,000. The conferees agreed to those propositions in that form. The testimony taken before us (for we sent for one of the men in charge of the Bureau) was to the effect that the items ought to be arranged in that way, and we saved $5,000 in the arrangement.

Then, on page 21, item 22, the Senate increased the amount. It pertains to the contingent expenses of the Agricultural Department. There are a large number of items embraced here. The Senate made the appropriation $25,000 instead of $20,000, as fixed by the House, and the House conferees agreed to it in that way.

In reference to the purchase and distribution of valuable seeds, etc., the next item in the bill, the House agreed to appropriate $120,000. The Senate made the amount $150,000. The conferees compromised upon that question, making the amount $130,000. In item 24, where the House appropriated $100,000, the Senate raised the amount to $130,000, and we compromised on $110,000, so that the item was agreed to in that way.

On page 23, the Senate struck out a long provision in reference to the manner of the distribution of seeds, and in order to make the whole arrangement so that it could be understood, the House conferees agreed to the amendment striking out that provision.

There was nothing else in the bill in controversy except items 27 and 28, on pages 28 and 29. The Senate fixed the salary of one inspector in the Weather Bureau at $2,000, the House having neglected to do that by mistake. That is the amount the inspector is getting already in the Weather Bureau. To that the House conferees agreed. In addition to that the Senate put in an amendment providing that hereafter, in the discretion of the Secretary of Agriculture, leaves of absence be granted not to exceed thirty days in any one year, as is arranged with reference to other bureaus of the Department.

That is all there is in the bill that was in controversy, and it was disposed of as I have stated.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

Mr. ALLEN. I think the report ought to be printed, so that it can be laid before the Senate and examined with some degree of intelligence by Senators. There is not a man in the Senate Chamber outside of the Senator from Illinois who knows a thing about the matter, and nobody can tell anything about it from the reading of the report.

Mr. CULLOM. I have been explaining each item that was in controversy.

Mr. ALLEN. I know the Senator explained each item, but we do not know what relation the different items hold to the bill as a whole.

Mr. CULLOM. I think the Senator would have known if he had listened to what I said.

Mr. ALLEN. Yes, I would have known if I had had the bill and had understood its entire history; but what objection is there to having it printed now and go over, so that it can be laid upon the tables of Senators and we can look at it and examine it intelligently?

Mr. CULLOM. There is only one objection, so far as I am concerned, and that is that we are crowded for time.

Mr. TELLER. I have been trying to follow the Senator who has the bill in charge, but back here we can not hear anything he has said. I should like to know what he is talking about.

Mr. CULLOM. I have just concluded all I desired to say, unless I am asked to repeat the items, which I would rather do than have the report go over and be printed, in view of the importance of the business that is before us and the hurry that we are all in now.

Mr. ALLEN. I realize that we are in a great hurry, but it occurrs to me that the Senate has some interest in this bill besides the members of the Committee on Appropriations.

Mr. CULLOM. Assuredly.

Mr. ALLEN. It strikes me very forcibly that the whole thing ought to be printed as it is now reported, so that it can be taken up and intelligently analyzed and considered. If the Senator from Illinois will give me his attention, I venture to suggest the proposition that there is not a Senator in this Chamber who understands a thing about the bill or about the report aside from the subcommitteemen who have it in charge.

Mr. CULLOM. I do not care to take the time of the Senate in discussing it unless the Senator is willing to allow it to be passed or disposed of after reasonable discussion. I am prepared to answer any question as to the items in controversy between the two Houses. I went over it with some degree of detail, hoping that it would avoid the necessity of having the report printed or longer delayed.

Mr. ALLEN. I can not understand what objection there can be to printing the report.

Mr. CULLOM. I will dispose of the matter for the present by allowing the report to be printed and go over.

The VICE-PRESIDENT. The report will be printed.

Mr. CULLOM subsequently said: I desire to call up the conference report on the Agricultural appropriation bill, which I made this morning. I will state that the Senator who at that time objected says he is satisfied with the report; and I therefore ask that the report be now concurred in.

Mr. ALLEN. I have examined the report, and am satisfied I was wrong.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The conference report has been read in full, the Chair understands.

Mr. CULLOM. The report has been read.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. HOAR. Mr. President——

The VICE-PRESIDENT. The Chair will state that the Senator from Connecticut [Mr. PLATT] was addressing the Senate at the time the conference report intervened. Does the Senator from Connecticut yield to the Senator from Massachusetts?

Mr. PLATT. Mr. President, I should like the attention of the Senate long enough to make one observation. I know how difficult it is to obtain the attention of the Senate to any measure which is before it at this late date in the session; but if Senators do not desire to listen to the objections to the bill, I wish that they would at least send for and get House bill 9188 and read its provisions, for I am persuaded that the Senate does not understand the bill, and will not pass it if it does understand it.

Mr. ALLISON. I ask the Senator from Connecticut to yield to me for a moment. I wish to make an appeal to the Senate to proceed to the consideration of appropriation bills. Under the rules of the Senate, appropriation bills are supposed to be in order at any time and other business to give way to them.

If we are to complete the work of this session, it is absolutely essential that bills which from time to time are consuming an hour or two or three or four hours shall be laid aside when appropriation bills are ready for consideration. I happen to know that the bill now under consideration is a bill which will lead perhaps not to prolonged debate, but which will occupy the attention of the Senate for the greater part of a day. So I want to appeal to the Senator from Pennsylvania who has the bill in charge and who is a member of the Committee on Appropriations and knows the absolute necessity of dealing with appropriation bills at this time, to allow this matter to be set aside until we can at least pass the two appropriation bills which are now upon the Calendar. So, appealing to him and to other Senators, I ask unanimous consent that we may now proceed to the consideration of the Indian appropriation bill.

Mr. QUAY. I object for the present.

Mr. ALLISON. Then, Mr. President——

Mr. QUAY. In one moment. I will say to the Senator from Iowa that I am not in charge of this bill. I called it up at the request of the representatives of the great labor organizations of the country, who deem its importance and magnitude, I think, beyond its real value to them, but they are exceeding in earnest about it; and it having passed the House of Representatives almost without opposition, they are exceedingly anxious for it to have a fair hearing before the Senate at this session. So far as I am concerned, the Senator from Iowa knows that I am as anxious as he to proceed with the consideration of appropriation bills. The Senator in charge of the bill is the Senator from California [Mr. PERKINS]. If he will take the responsibility of postponing the bill, I shall assent to it.

Mr. ALLISON. Then I appeal to the Senator from California——

Mr. QUAY. Before that is done, I wish, as part of my remarks on the bill, to insert in the RECORD the report of the committee in its behalf. I shall not ask for its reading.

The VICE-PRESIDENT. If there be no objection, it will be so ordered.

The report referred to is as follows:

Mr. PERKINS, from the Committee on Education and Labor, submitted the following report (to accompany S. 293):

The Committee on Education and Labor, to whom was referred the bill (S. 293) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, beg leave to report in favor of its passage with the following amendments:

Amend section 1 by striking out, in lines 3 and 4, the words "the President of the United States is hereby authorized and directed to appoint," and inserting in lieu thereof the following: "there be, and is hereby, created."

Strike out all of section 2 and insert in lieu thereof the following:

"The five members representing labor shall be appointed by the President of the United States from those nominated by labor organizations which are national in character, having the largest number of members and being most

representative, both representative character and numerical strength to be considered, and not more than one person shall be appointed from any one organization. That of the five members representative of agriculture, three shall be appointed on the recommendation of the National Farmers' Alliance and Industrial Union, and two on the recommendation of the National Grange and Patrons of Husbandry. That these recommendations shall be made by the national organizations in delegated assemblies, or by the national executive committees or executive boards or committees of any kind that represent said organizations when their national delegated assemblies are not in session; that said recommendations shall be made to the President of the United States within three months after the passage of this act, and that if the President of the United States shall find that any of those recommended, in his opinion, are not qualified to be members of the said commission, that he shall notify said organizations of the same, whereupon said organizations shall make further recommendations for appointment by the President. The five members representative of business shall be appointed by the President from those representing manufacturing and other business pursuits. After the appointment of said commission each division of five is hereby authorized and directed to choose or appoint two additional commissioners to act with them on terms of equality, making the whole number twenty-one, but no division of five shall make both of its appointments from the same political party."

Amend section 3 by inserting after the word "appointment," in line 7, the following: "as provided above."

Amend section 8 by adding at the end thereof the following: "who shall transmit the same to Congress."

Amend section 9 by striking out all after the word "salary," in line 3, and inserting in lieu thereof the following: "of each member of this commission shall be $10 per day while actually engaged in the work of the commission, and actual traveling expenses."

The problems presented in the various fields of labor and in the different departments of business have become and are becoming more complicated through the progress which marks this industrial age. The relations of laborers to each other on the one hand, and to capital on the other, are now so varied and differ so greatly in widely separated sections of our great country that it has become necessary to establish some central bureau or commission which shall be able to view comprehensively the entire field, and ascertain the true relation to each other of the facts presented. In no other way can the many interests of half a continent be brought into harmony; in no other way can that feeling of good will of all classes toward each other be aroused which is essential to the happiness, prosperity, and progress of the nation.

To attempt to deal with the larger questions presented by capital and labor through local boards or by local legislation has become impracticable. The facilities for communication have become so many and so efficient that all parts of our country and all its interests are inseparably knit together. Yet at the same time the differences in conditions surrounding labor and capital in widely separated localities render it impossible to deal with all according to rules or principles formulated or derived from a study of the problems presented in a circumscribed area. The time has come for a wider study of these problems, and for wider generalizations. The questions presented by the industrial and business conditions of Maine must be considered in connection with those of the far different conditions of California and Alabama, the mutual relations of the three sections ascertained, and labor and capital in each brought into accord with each other both locally and generally. The interdependence of all industrial pursuits and all business vocations throughout the country must be ascertained in order that the true causes of friction may be discovered and remedies applied which shall not bear unjustly upon any one calling in which men engage.

It is owing to the present impossibility of ascertaining the true and fundamental relation of labor and capital, of labor in one section with labor in another, of capital in one region with capital in other, that the discontent of the one and the apparent indifference of the other are constantly increasing. It is owing to this, too, that there is lack of harmony in movements begun by either interest for self-protection. No general principles have been laid down which will apply to conditions in widely separated districts. Thus there arise conflicts between labor organizations themselves and disagreements between the representatives of the commercial or business interests. But the tendency is constantly toward wider generalization, toward wider union, though the generalization has reference to industrial conditions on one side and the conditions of capital on the other, and the union to an amalgamation of each of two sets of interests which are set one against the other in semihostile array. The breach which now exists between capital and labor is thus constantly widened, and where there should be mutual confidence and mutual concessions there are increasing enmity and a multiplication of grounds of difference.

Labor is fast coming to the belief that its present forms of organization are inadequate to secure the protection and the benefits sought, and that it must use politics as a weapon against the capitalist class. Recent conventions have brought this question prominently forward, and the organization of labor for political and not simply for industrial ends is not impossible. How labor is beginning to view the complex problems presented by its relation to capital may be clearly seen in this extract from a resolution introduced in a labor convention recently held:

"Whereas the economic power of the capitalist class used by that class for the oppression of labor rests upon institutions essentially political, which in the nature of things can not be radically changed or even slightly amended for the benefit of the working people except through the direct action of the working people themselves, economically and politically united as a class:

"Therefore, it is as a class conscious of its strength, aware of its rights, determined to resist wrong at every step, and sworn to achieve its own emancipation that the wage workers are hereby called upon to unite in a solid body, held together by an unconquerable spirit of solidarity under the most trying conditions of the present class struggle."

The widening scope of the action proposed by labor organizations is seen in the following resolutions, which are rather a declaration of principles adopted by the convention referred to:

"Reduction of the hours of labor in proportion to the progress of production.

"The United States shall obtain possession of the railroads, canals, telegraphs, telephones, and all other means of public transportation and communication; but no employee shall be discharged for political reasons.

"The municipalities to obtain possession of the local railroads, ferries, waterworks, gas works, electric plants, and all industries requiring municipal franchises; but no employee shall be discharged for political reasons.

"The public lands to be declared inalienable. Revocation of all land grants to corporations or individuals the conditions of which have not been complied with.

"Legal incorporation by the States of local trade unions which have no national organization.

"The United States to have the exclusive right to issue money.

"Congressional legislation providing for the scientific management of forests and waterways, and prohibiting the waste of the natural resources of the country.

"Invention to be free to all; the inventors to be remunerated by the nation.

"Progressive income tax, and tax on inheritances; the smaller incomes to be exempt.

"School education of all children under 14 years of age to be compulsory, gratuitous, and accessible to all.

"Repeal of all pauper, tramp, conspiracy, and sumptuary laws. Unabridged right of combination.

"Official statistics concerning the condition of labor. Prohibition of the employment of children of school age and of the employment of female labor in occupations detrimental to health or morality. Abolition of the convict-labor contract system.

"Employment of the unemployed by the public authorities (county, city, State, and nation).

"All wages to be paid in lawful money of the United States. Equalization of women's wages with those of men where equal service is performed.

"Laws for the protection of life and limb in all occupations, and an efficient employers' liability law.

"The people to have the right to propose laws and to vote upon all measures of importance according to the referendum principle.

"Abolition of the veto power of the executive (national, State, and municipal) wherever it exists.

"Municipal self-government.

"Direct vote and secret ballots in all elections. Universal and equal right of suffrage, without regard to color, creed, or sex. Election days to be legal holidays. The principle of proportionate representation to be introduced.

"All public officers to be subject to recall by their respective constituencies.

"Uniform civil and criminal law throughout the United States. Administration of justice to be free of charge."

This extension of the aims of organizations of labor is clearly due to the failure to establish, through a wide and careful study of conditions existing in this country, general principles regarding the relation of labor to capital, based on facts ascertained by an examination of the entire field, and made acceptable to all classes because the facts are known to be true and the principles themselves the logical deductions therefrom.

It can hardly be doubted that it would not be deemed necessary to adopt such resolutions as have been given if there were in existence a commission whose duty, in the language of the bill, shall be to "investigate questions pertaining to immigration, to labor, to agriculture, and to business, and recommend to Congress such legislation as it may deem best upon these subjects;" to "furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union in order to harmonize conflicting interests, and to be equitable to the laborer, the employer, the producer, and the consumer;" to "receive petitions and grant reasonable time for hearings on subjects pertaining to its duties, and, if deemed necessary," to "appoint a subcommission or commissions of its members to make investigation in any part of the United States."

A commission like that proposed would also be able to do much toward solving the problems which are raised in the following letter from Samuel Gompers, president of the American Federation of Labor:

"The American Federation of Labor at its last convention, held in New York City, adopted a series of resolutions to concentrate and crystallize thought among the people of our country upon the question of the reduction of the hours of labor to eight hours per day, not only in Government but also in private employment.

"It is also proposed that a conference be held by representatives of the organized working people and representatives of the employers, so that a friendly arrangement in the reduction of the hours of labor may, if possible, be effected.

"It is our purpose to obtain the views upon this momentous subject from the best informed men of America—men whose thoughts and utterances are worth recording; men in public life; men whose views sway the minds of their fellow-citizens. Hence, I respectfully ask you to favor me with an answer to the following questions:

"(1) In view of the wonderful and ever-increasing inventions of and improvements in wealth-producing methods, should the working people of our country be required to work more than eight hours per day?

"(2) What would, in your opinion, the influence of the general reduction of the hours of labor to eight per day have upon the moral and social well-being of the people of our country?"

These are questions which the workingman has the right to ask and the right to have answered. They imply not only a reasonable demand, but a strong desire that nothing shall be done which will tend to lower the high moral and social standard of our industrial population, of which the nation is justly proud. They are questions which would properly come under such a commission as is proposed, and its suggestions, made after a careful study of the question from both the side of capital and of labor, should be adopted, for the good of the entire community, not of a single part, will be its aim.

The ends, methods, and results of labor organizations also come within the scope of its inquiry. Such organizations have become numerous and powerful, and it is desirable that their usefulness shall be established by impartial investigation, and such dangerous tendencies, if any they possess, be eliminated. The right of labor to combine for its own protection can not be questioned. Acting within the lines which it is forbidden each individual to pass, it is capable of good results. But it should be established as a principle that labor organizations have no more right to interfere with individuals in the pursuit of life, liberty, and happiness than has any of its members. Strikes for legitimate objects are among the rights of labor organizations as they are among those of individuals, but interference with those who are willing to take the places left vacant is not to be tolerated from organized labor more than from individual workmen.

The figures presented by the Department of Labor indicate how great is the prevalence of disputes between employers and employees. From 1881 to and including the first six months of 1894 there were 14,390 strikes, involving 69,167 establishments and 3,714,406 employees. There were in the same period lockouts in 6,067 establishments, throwing out of employment 366,690 workmen. The money loss of the strikes was $163,807,866 in wages, $10,914,406 in assistance by labor organizations, and $82,590,366 loss to employers. In lockouts the loss in wages was $26,685,516; in assistance, $2,524,298, and to employers, $12,235,451. Of all those who struck only 1,188,575 were successful in attaining their objects. The causes leading to the strikes in question were as follows:

"For increase of wages.
"For reduction of hours.
"Against reduction of wages.
"For increase of wages and reduction of hours.
"For reduction of hours and against being compelled to board with employer.
"For change of hour of beginning work.
"For increase of wages and against the contract system.
"For increase of wages and against employment of nonunion men.
"In sympathy with strike elsewhere.
"For nine hours' work with ten hours' pay.
"Against employment of nonunion men, foremen, etc.
"For increase of wages and recognition of union.
"For adoption of union, etc., scale of prices.

"Against increase of hours.
"For increase of wages and enforcement of union indenture rules.
"For reduction of hours and wages.
"For reinstatement of discharged employees, foremen, etc.
"For recognition of union.
"For adoption of union scale.
"For adoption of union rules and union scale.
"For increase of wages and recognition of union.
"To compel World's Fair directors to employ none but union men in building trades.
"For reinstatement of discharged employees.
"For payment of wages overdue.
"For increase of wages and reduction of hours on Saturday.
"Against being compelled to board with employer and for reduction of hours and recognition of union.
"For fortnightly payment."

The above presents only one phase of the relations of labor and capital which it is desirable should be studied and clearly understood. Agricultural laborers have their grievances which should also be investigated. The influence upon their prosperity of railroad and other aggregations of capital with which they come in contact should be learned. The universal dependence upon transportation companies is a factor in the question of the prosperity or lack of prosperity of agriculturists which demands attention. In some States, as in California, this factor is of supreme importance; in others less. The fact that oranges from Spain and Italy compete successfully with oranges from California in the great markets of the country has a wide bearing. The cost of transporting the California fruit to market is from 90 cents to $1 per box, while the foreign fruit pays 33 cents. In less than carload lots it now costs about $2 a box to lay down the California oranges in New York. Spanish oranges pay 50 cents a case, but the case is twice as large as that containing the fruit with which it competes. These facts tend to show one of the principal causes of the complaint that is now being made by a very important industry of a great State, and present a case which would fairly come before such a commission as is proposed.

Lower freight rates and a measure of protection by tariff for the domestic fruit would revive a now languishing branch of horticulture; and the facts stated above are emphasized by the report of United States Consul Seymour, of Palermo, that during the year 1894 there were exported from that port eight times as many lemons and oranges to the United States as the entire exportation to all other foreign countries during the same period. California and Florida suffer from this competition of fruit raised on the shores of the Mediterranean, and the prosperity of two great States of the Union is disastrously affected to the benefit of people of another race, country, and hemisphere.

But all problems which are presented by periods of general or local depression are not so simple. Says Carroll D. Wright, in his first annual report as Commissioner of Labor:

"The depressions with which the present generation is familiar belong to the age of invention and of organized industry. Whether these depressions are necessary concomitants of present industrial conditions may be a mooted question, but it is certain that they come with such conditions, and that many features of them must pass away when out of the present status of industrial forces there shall be evolved a grander industrial system, a system which must be as much grander than the present as the present is grander than that out of which it was evolved. Industrial depressions must not be confused with commercial crises and panics, notwithstanding the effects of one reach into the other; that is, a commercial and financial crisis may take place without immediately producing any industrial depression, although, generally, if the effects of such commercial or financial crisis continue for any great length of time, the industries must be involved to a greater or less extent. * * * In searching, whether in Europe or America, for the causes of the industrial disease which has effected the manufacturing world since 1882, it is interesting to note how fully trade, profession, or calling influences opinions given. Bankers and merchants are likely to give as the absolute cause of depressions some financial or commercial reasons; clergymen and moralists largely incline to assert that social and moral influences, united with providential causes, produce the industrial difficulties which afflict nations; manufacturers incline to give industrial conditions, labor legislation, labor agitation, the demands of the workingmen, overproduction, and various features of the industrial system as causes; while the workingmen attribute industrial diseases to combinations of capital, long hours of labor, low wages, machinery, and kindred causes. The politician feels that changes in administration, the nonenactment of laws that he desires, tariffs or the absence of tariffs, are the chief influencing causes of industrial disturbances. The fact that, as a rule, one's opinion can be foreseen by knowing his calling in life vitiates to a large extent the value of causes alleged; yet when all classes unite upon a few prominent reasons, and those reasons can be illustrated by facts, it becomes possible to consider the alleged causes of industrial depressions with a fair degree of intelligence and with conclusions that have sufficient soundness in them to indicate partial remedial agencies."

The long list of causes of depression is classified by the Commissioner of Labor into three great divisions:

"First, leading or direct causes, such as overproduction, cost of production, influence of machinery, crippling of the consumptive power, etc.; second, contributory causes, such as transportation, distribution, exchanges, commercial systems, etc.; and third, remote, indirect, and trivial causes."

Many remedies for industrial depression have been proposed, the most important of which, in the opinion of the Commissioner of Labor, are the restriction of land grants to corporations, the restriction of immigration, the enactment of laws to stop speculation, the establishment of boards of arbitration to settle industrial difficulties, the contraction of credit, a sound currency, commercial and mercantile regulations relating to tariff, transportation, navigation laws, and public works, reform in the distribution of products, profit sharing, and the organization of workmen and of employers.

It will be seen that the field is a wide one, that many interests are involved, and that the dependence of one upon the other can be ascertained only by a systematic and careful study of the conditions which surround industrial life. Without such study it will be impossible to understand the problems presented by labor, agriculture, and capital, and without exact knowledge it will be impossible to apply a remedy.

"Probably," says Labor Commissioner Wright, "no human device or combination of devices can be instituted powerful enough to prevent the recurrence of financial and commercial crises and industrial depressions, but this should not prevent men seeking devices which will mitigate the severity or shorten the duration of such calamities. When it is considered that each great manufacturing nation of the world is struggling for industrial existence as against the fierce competition of every other nation engaged in like pursuits, some of the questions which seem to absorb the minds of individual employers and employees seem trivial indeed."

And trivial indeed will some of them appear when we shall be face to face with that industrial competition which is being forced upon us by Japan. It is but a few years ago that this remarkable nation began to establish manufactories to supply goods which it had hitherto purchased abroad, yet even now there has arisen alarm in England, Germany, and our own country regarding the influence which Japanese manufactures will have upon their prosperity. And this alarm is not without cause. The grave importance of the questions raised by the marvelous development of Japanese manufacturing has been fully recognized by the National Association of the Manufacturers of the United States, which has requested Congress to appoint a commission to inquire as to the invasion of our own home markets by Japan. The Manufacturers and Producers' Association of California in February called a meeting to discuss the Japanese industrial question, at which Julian Sonntag called attention to the fact that it is a dangerous fallacy to contend that Japan can never compete successfully with America and England in commerce and manufactures. "To-day," he said, "one can not go into a dry goods store and tell French and Japanese silks apart. Carpets from Osaka rival those of Egypt, Turkey, and Persia, and are being exported to America in large quantities."

The following resolutions were unanimously adopted and ordered sent to every member of Congress:

"Whereas the matter of the invasion of the manufacturing field of the United States by goods manufactured by cheap labor in Japan has been under consideration by the Manufacturers and Producers' Association of California and by the San Francisco Chamber of Commerce; and

"Whereas a joint committee from the Manufacturers and Producers' Association and the Chamber of Commerce of San Francisco, after full investigation and consideration, have reported that great danger to the manufacturing interests of the United States exists in the rapid strides being made by Japan in manufacturing; and

"Whereas this meeting of the members of the Manufacturers and Producers' Association and of the Chamber of Commerce, called for the purpose of discussing the subject, have listened to the report of the said joint committee and the remarks made thereon:

"*Be it resolved*, By the Manufacturers and Producers' Association and by the Chamber of Commerce in convention assembled, that the Congress of the United States be requested and urged to appoint a commission to investigate the question of Japanese manufactured importations and Japanese export trade."

The great newspapers of the country have recognized the importance of the industrial revolution in Japan, and are discussing it seriously. Writers in magazines devoted to economics are giving the matter their attention. In the March number of Gunton's Magazine appears the following:

"There is no country whose economic changes are likely to create so much industrial surprise, if not dislocation, in the next quarter of a century as Japan. Until recently Japan has been classed with China and other Asiatic countries as in the hand-labor area. The more advanced machine-using countries, like England and the United States, have entertained no fears from competition with the cheap labor of Asia, because the economies of their superior machinery have more than offset the increase in the cost of production through their higher wages. This has led many economists of the laissez-faire school to assume that high wages instantaneously bring with them lower cost of production, attributing the diminished cost to the increased skill and dexterity of the higher wage laborers. Such writers as Edward Atkinson and Mr. Shoenhof are constantly adding to the flood of free-trade literature on the basis of this very erroneous assumption. Because we could compete successfully in most lines of manufacture with Asiatic countries, it has been insisted that we could do so with England for the same reason, namely, that our wages were higher.

"Having assumed that the superiority of high wage conditions all lies in the increased personal dexterity of the laborors, these writers seem to have entirely overlooked the great part machinery plays in low-price machine phenomena. The reason this country is in greater danger from English competition than from the Chinese is that England has similar machinery to our own, while the Chinese continue to produce by hand labor. Whenever two countries employ the same tools or machinery, the lower wages become the great element in determining the competition. This is precisely the case between the United States and England. So that while we have little to fear from the cheap labor of Asia without modern machinery, we have everything to fear from the relatively lower wages of England, because English laborers have as highly perfected machinery as we have.

"During the last quarter of a century Japan has been rapidly westernizing her civilization, and is now rapidly westernizing her methods of industry. At the present rate she is progressing it may not take her more than a decade to get the factory system, with its most modern equipments. Although this will be sure to act upon her laborers, raising their standard and increasing their cost of living, it will probably take half a century before her wages approximate the wage standard of the United States or even of England. To the extent to which she increases her factory methods faster than she raises her wage standard will she become a successful competitor with western producers, and will demonstrate the economic soundness of protection as a permanent principle in national statesmanship. All the world should rejoice at Japan's progress. But it will be a calamity for mankind if Japan should be permitted to destroy or even lessen the rate of progress in this country or in Europe. Her advent into the use of modern methods should be beneficial to her own people, and make her the missionary to carry similar methods and civilization into other Asiatic countries, but not to injure the civilization of western countries."

Here are presented problems of the gravest nature, with which the United States must soon deal. The fact that the Japanese are considered simply an imitative people, and that their civilization is by some deemed inferior to our own, should not blind us to that other fact that Japan is putting upon our markets for 87 cents felt hats of the best quality, upon American and European patterns, which would sell in London for $2.62 and in this country for $3. The Japanese are beginning to make shoes, and it is thought not improbable that there will soon be placed upon our market for 75 cents shoes as good as those now costing $3. Already there is an agency in San Francisco which is engaged in underselling American products. Doors, sashes, blinds, all kinds of wooden ware, cooperage stock, etc., are being sold from 30 to 50 per cent less than the same grade of goods can be manufactured for here. Even bicycles, clocks, watches, boots, shoes, clothing, hats, caps, gloves, fancy goods, and notions are being sold at similar prices which defy competition.

The following, translated from the report of the Swiss consul in Japan, and published in the consular reports of the State Department, gives another view of the situation:

"The Manchester Guardian, in its issue of June 9, 1894, says that manufactures of cotton textiles in India can no longer compete with Japan, as 4,000 Japanese spindles will produce the same quantity as 10,000 Indian. Around the industrial center of Osaka there are cotton mills in almost every village, and exports of Japanese fabrics were first made from that city. There being no protection to foreign machinery against patent infringements, the Japanese imitate quickly all European novelties and improvements, and hence work under favorable conditions. Labor is so cheap that even Europe can no longer compete. Good cotton undershirts are being sold at 84 to 90 cents per dozen. Cotton umbrellas on iron sticks (an important export article of Osaka) are sold at $2.60 to $3 per dozen, and the total exports of umbrellas in 1894 footed up $746,067, as against $589,272 for 1893. The manufacture of hemp and cotton has begun.

"This industry is a new one and has its seat in the city of Osaka. These

carpets, called by foreigners Osaka carpets, are cheap but not durable. All kinds of patterns imaginable as well as every length and width are manufactured. While two years ago the Japanese taste prevailed, to-day fine imitations of Turkish and Egyptian carpets can be found on the market. These carpets are all made by children, and in the low, gloomy rooms of the Japanese houses troops of little boys and girls are working at this dusty trade with the zeal and intelligence of grown people. The little ones, who can be seen at work in a tropical heat, almost nude, seem to be in good health. These children's pay varies, according to their efficiency, from 3 to 10 cents per day. The principal buyers are Americans, who purchased $927,000 worth during 1894 out of a total export of 546,091 pieces, worth $1,134,072, in that year, against 203,050 pieces, worth $391,989, in 1893, and 112,279 pieces, worth $177,445 in 1892.

"Of late years the manufacture of Japanese matches has attained large dimensions, owing to the very low prices at which they are sold. Hongkong, British India, China, and Korea are using them almost exclusively.

"Last year's statistics show the surprising fact that Japanese matches were exported to points and in value as follows: To Australia, $25,407; Austria, $2,345; North America, $1,300. The total export value of these matches was $3,795,634 in 1894, $3,537,974 in 1893, and $2,202,041 in 1892. * * *

"In addition to watches, $28,570 worth of parts of watches were imported in 1894, of which $13,425 came from the United States and $11,972 from Switzerland. During the previous year imports of parts of watches amounted to $9,077, and were supplied by Switzerland alone. The imports from America were made by the Osaka Watch Company, a Japanese stock company at Osaka, established there last year. This concern had bought of an American company (formerly of San Diego, Cal.), the Japan Watch Company, Limited, $30,000 worth of old machinery for the manufacture of watches, at which work will commence on or about June, 1895; meanwhile the manager and two foremen are teaching thirty Japanese operatives how to manufacture the different parts of watches. Machinery therefor has been ordered in the United States, and will arrive in June, and therewith seven or eight American foremen. The original project was to import cases from America, and an order had already been given to a New York firm, but the prices were so high that the company concluded to manufacture the gold, silver, and other metallic cases themselves. The cost of watches, it is expected, will be unusually high at first, but it is difficult as yet to judge of the probable general results."

That Japan is thus able to underseil us is due to the fact that it makes use of the best modern machinery, and that the wages paid are hardly more than one-tenth the wages paid in the United States. N. W. McIvor, consul-general of the United States, gives the following list of wages paid at Yokohama for a working day of ten hours:

Description.	Wages.	Description.	Wages.
	Per day.		*Per day.*
Carpenters	$0.26	Sake brewers	$0.22
Plasterers	.26	Silk spinners (female)	.17
Stonecutters	.31	Tea workers (picking and preparing)	.29
Sawyers	.29	Tea firing:	
Roofers	.26	Male	.10 to .14
Tilers	.31	Female	.07 to .12
Matting makers	.24	Common laborers	.19
Screen makers	.26	Confectioners	.17
Joiners	.29	Sauce makers	.24
Paper hangers	.24		*Per month.*
Tailors:		Farm laborers:	
For Japanese clothes	.24	Male	1.44
For foreign clothes	.48	Female	1.20
Dyers	.24	Silkworm breeders:	
Cotton beaters	.17 to .36	Male	1.93
Blacksmiths	.24	Female	.96
Porcelain makers	.38	Weavers (female)	.96
Porcelain artists	.72	Servants in foreign houses:	
Oil-press men	.24	Male	2.88 to 7.20
Tobacco cutters	.24	Female	2.40 to 4.80
Printers	.19		
Ship carpenters	.29		
Lacquer workers	.24		
Compositors	.29		

Another list is as follows:

Occupation.	Highest.	Lowest.	Average.
Blacksmiths	$0.60	$0.18	$0.30
Bricklayers	.88	.20	.33
Cabinetmakers (furniture)	.53	.17	.30
Carpenters	.50	.20	.30
Carpenters and joiners (screen making)	.55	.17	.30
Compositors	.83	.10	.29
Coolies or general laborers	.33	.14	.22
Cotton beaters	.45	.13	.23
Dyers	.60	.05	.25
Farm hands (men)	.30	.16	.19
Farm hands (women)	.28	.06	.19
Lacquer makers	.58	.15	.29
Matting makers	.50	.20	.30
Oil pressers	.34	.16	.25
Paper hangers	.60	.20	.31
Paper screen, lantern, etc., makers	.55	.20	.31
Porcelain makers	.50	.13	.29
Pressmen, printing	.70	.11	.26
Roofers	.60	.20	.29
Sauce and preserve makers	.40	.10	.24
Silkworm breeders (men)	.50	.10	.22
Silkworm breeders (women)	.25	.05	.17
Stonecutters	.69	.22	.36
Tailors, foreign clothing	1.00	.25	.49
Tailors, Japanese clothing	.56	.15	.28
Tea makers (men)	.80	.15	.31
Tobacco makers	.50	.11	.26
Weavers	.40	.07	.15
Wine and sake makers	.50	.15	.29
Wood sawyers	.50	.13	.30

The following are the rates of wages paid by the month:

Occupation.	Highest.	Lowest.	Average.
Confectionery makers and bakers	$12.00	$1.00	$5.74
Weavers:			
Men	12.00	1.00	4.83
Women	12.00	1.00	3.30
Farm hands:			
Men	5.00	1.00	2.31
Women	3.50	.49	1.23
House servants:			
Men	5.00	.50	2.12
Women	3.00	.59	1.16

There is another fact in connection with the wages paid Japanese workmen which is of importance. In 1873 the mills of Japan and those of the United States and England paid wages that had a certain given relation to each other. Since then silver has depreciated in value one-half, yet the Japanese manufacturer pays exactly the same rate of wages as before. The cost of labor to him is therefore one-half what it hitherto was.

T. R. Jernigan, consul-general of the United States at Shanghai, says:

"Japan by geographical position and the nature of the soil and its general aspect must be the manufacturing country of Asia, as Great Britain has so long been for Europe, and this fact brings nearer to the attention of the cotton producer of the United States the importance of shorter ways between their cotton fields and the cotton mills of Asia, especially by means of the Nicaragua Canal.

"The rapid increase in the manufacturing industry of Japan and China could not be sustained in the absence of a compensating remuneration, and if the statistics show the remuneration to be compensating, then the means of making it so should be inquired about. It is known that the manufacturing industry, generally, of the United States has not yielded merited returns for the labor and skill of those engaged in it.

"Osaka is the great manufacturing city of Japan. In Osaka 21 mills paid an average dividend of 18 per cent, the highest dividend being 28 per cent and the lowest 8 per cent. The dividends for 1893 are given at 12 per cent, and for the first six months of 1894 at the rate of 16 per cent. These figures show that the cotton mills of Japan are richly remunerative, while reliable figures show impoverishing returns for the cotton mills of Great Britain, and an unfavorable lookout for those of the United States."

The cotton manufacturing industry of Japan has increased with wonderful rapidity. There are at present 61 factories in operation, with 580,564 spindles, employing 8,899 men and 29,596 women, and when those establishments now under construction are put in operation during the present year the total number of spindles will be increased to 819,115. The result of the remarkable progress made by Japan in cotton manufacturing is shown in the diminished exports of cotton cloths from this country to China, which is now being supplied in a great measure by Japan, and which will take more from that country and less from us year by year. In 1892 China imported from the United States 65,859,000 yards of cotton, and in 1893 only 27,706,000 yards. From England China imported in 1892 nearly 500,000,000 yards, and in 1893 only 365,000,000 yards.

Consul-General Jernigan states that the industrial development of the Orient is fast becoming a matter for serious thought, and says:

"The enterprising Japanese have, within a few years, established docks and machine shops for the building of medium-sized war ships, and each subsequent year has witnessed fewer orders going to foreign markets for naval supplies. Soon from the naval shops of Japan will be launched as strong war ships as breast the waves of Asiatic seas, and ere a distant year the forces of civilization which have moved Japan so rapidly on lines of progress will be actively and practically at work in China. The awakening of the "middle kingdom" here predicted will put to sleep forever the customs which have for centuries dominated China, as it will call into life new principles to govern her foreign and domestic relations. The thoughtful statesman and merchant will prepare for the solution of the new political and commercial problems. These problems are now claiming the attention of the business men of Great Britain, and the fact that the China Mutual Steamship Navigation Company, of London, is having its vessels repaired in China and Japan is regarded as being of serious significance to British labor and as an evidence of its being displaced by the cheaper labor of China and Japan.

"At a recent meeting of the Peninsular and Oriental Steamship Company the belief was expressed by a member that gentlemen then present might live to see the company's mail steamers built on the Yangste, in China, instead of on the Clyde, the Tees, or the Tyne. And it is worthy of note that the large majority of the sailors and servants on the foreign steamships that carry the mails across Oriental seas are of the Asiatic races, their employment being due to the cheapness of their wages, for an Asiatic works to-day at one-half of the wages in gold, though at the same wages in silver, that he did twenty years ago, whereas wages in the United States and Great Britain have not materially depreciated from the wages paid in gold twenty years ago. As to commodities in Great Britain and the United States, the average prices are the lowest of the century, while the average prices comparatively of twenty leading commodities of Chinese production were nearly the same in Shanghai in 1893 as they were in 1873, and a higher degree of prosperity in China and Japan has accompanied this stability in prices."

William Eleroy Curtis, in the January number of the Bulletin of the Department of Labor, says:

"Japan is becoming less and less dependent upon foreign nations for the necessities and comforts of life, and is making her own goods with the greatest skill and ingenuity. Since their release from the exclusive policy of the feudal lords, the people have studied the methods of all civilized nations and have adopted those of each which seem to them the most suitable for their own purposes and convenience. They have found one thing in Switzerland, another in Sweden, another in England, others in Germany, France, and the United States, and have rejected what is of no value to them as readily as they have adopted those things which are to their advantage. It is often said that the Japanese are not an original people; that they are only imitators, that they got their art from Korea, their industries from China, and that their civilization is simply a veneer acquired by imitating the methods of other countries. All of this is true in a measure, but it is not discreditable. Under the circumstances that attend the development of modern ideas in Japan, originality is not wanted, but a power of adaptability and imitation has been immensely more useful. The Japanese workman can make anything he has ever seen. His ingenuity is astonishing. Give him a piece of complicated mechanism—a watch or an electrical apparatus—and he will reproduce it exactly and set it running without instructions. He can imitate any process and copy any pattern or design more accurately and skillfully than any other race in the world. It is that faculty which has enabled Japan to make such rapid progress, and will place her soon among the great manufacturing nations of the world.

"It was only forty years ago that the ports of Japan were forcibly opened to foreign commerce. It was only twenty-eight years ago that the first labor-saving machine was set up within the limits of that Empire. Now the exports and imports exceed $115,000,000.

"While the Japanese will soon be able to furnish themselves with all they use and wear and eat without assistance from foreign nations, they will be compelled to buy machinery and raw material, particularly cotton and iron. Therefore, our sales will be practically limited to those articles. And the market for machinery will be limited as to time. The Japanese will buy a great deal within the next few years, almost everything in the way of labor-saving apparatus, but they are already beginning to make their own machinery, and in a few years will be independent of foreign nations in that respect also. Another important fact—a very important fact—is that they will buy only one outfit of certain machinery. We will sell them one set, which they will copy and supply all future demands themselves. This will go on until the new treaties take effect, when American patents will be protected."

Complaint comes from Honolulu that the Japanese are there starting industries of various kinds, even including blacksmith and harness shops. Japanese carpenters, painters, and paper hangers underbid white contractors 33 per cent.

It is apparent to all thinking men from the facts which are being forced upon their attention that the industries of the United States will soon find a competitor with whom it will be useless to struggle under existing conditions. Japan has, or will have in a few years, the best labor-saving machinery that the inventive genius of the world has been able to produce. It will meet us on an even, perhaps a superior, footing in this respect. But besides this, it will have labor at a cost of about one-tenth that of ours, and which is capable of producing manufactured products as good as those produced by our own workmen.

The fact that in Japan silver is the monetary standard can not be overlooked in connection with the subject here discussed. Although the market value of that metal has diminished one-half during the past twenty years, a silver yen will purchase in Japan just as much now as it could in 1873. This has an important bearing on the welfare of the American workman. Because of this depreciation in general market value of silver, while its purchasing power in Japan is unchanged, our workmen are now able to compete with Japanese mechanics on a basis which is only one-half as favorable as it was a quarter of a century ago.

Suppose, for instance, that a Connecticut dealer in clocks wishes to lay in a stock of cheap goods. He can buy them in the home market for, say, $1 each. It makes no difference whether he offers a gold or silver dollar, he can get only one clock for that sum. But he can with his gold dollar buy two Japanese silver dollars, with which he can purchase two clocks of Japanese manufacture, assuming that the price in Japanese coin of the Japanese article is the same as here. He can, therefore, for a given amount of money, get a stock twice as large by making his purchases in Japan. This stock he sells here for silver, which he can exchange for gold, dollar for dollar, and by repeating the operation can reap a rich harvest at the expense of the workmen in his native State. But the facts permit an even more ominous showing than this, for the prices of Japanese products, owing to the extremely low wages of labor, are far below those of the same class of goods here, so that the Connecticut dealer will be likely to get four Japanese clocks for the dollar which will buy only one of Connecticut manufacture.

Consul-General Jernigan, writing from Shanghai, in April, 1895, says:

"It is here that the subject of wages should receive careful attention and it should not be forgotten that while the law of supply and demand with regard to commodities is international, it is only national and often provincial with regard to labor. A bale of cotton may have the same exchangeable value in New Orleans, Liverpool, or Bombay, but the price of a day's labor in Bombay bears no relation to the price of a day's labor in Liverpool or New Orleans, and no adjustment of the two opposing principles can be effected unless a cargo of coolies can be imported as easily as a cargo of cotton.

"An intelligent understanding of the influential agency of the price of labor in regulating the profits of manufacturing enterprise may be had from this illustration: In 1873 the mills of the Orient and Occident were competing on equal terms, and receiving equal returns. Now, in 1894, each mill employs the same amount of labor as it did in 1873, but the owner of the mill in the United States pays for the labor in gold at the old rates, while the owner of the mill in Japan pays for labor in silver at the old rates also. The Japanese mill owner paid in 1894, as he did in 1873, from 18 to 20 cents a day for men, and from 8 to 10 cents a day for women. That meant, in 1873, from 18 to 20 cents in gold a day for men, and from 8 to 10 cents in gold a day for women. Now, during the greater part of 1894, $1 in gold has been about equal to $2 of Japanese silver, which makes it clear that, on account of the depreciation of silver alone, without taking into account the low rate of standard wages which prevail in the Orient, the mill owners of the United States are now paying twice as much for labor as the mill owners of Japan. This may be one reason why the cotton mills in Japan are showing such handsome returns, while in the United States and Great Britain they are comparatively struggling for existence. Not only does this principle of the difference in value of currency in which labor is paid in the eastern and western countries apply to wages, but it applies to whatever is essential to the success of agriculture and manufacturing enterprise.

"It is not meant to intimate that the price of labor in the United States should be regulated by the price of labor in oriental countries, but I do mean that unless some standard of international value for the payment of labor is agreed upon, the products of the oriental laborers tend to become a dangerous rival to the products of the occidental laborers. The statistics and logical comparisons therefrom, here adduced, at least warrant the expression of such an opinion. It is justified by other well-authenticated facts, considered in other connections, but all pointing to the same conclusion. If the land acquired twenty-five years ago by foreigners at Shanghai for their residence and business houses was then worth $25,000,000 and was now sold for what it originally cost in silver, and this silver, the proceeds, was converted into gold at present rates, there would be a loss of about $12,000,000; and by this rule it appears that the inequality in the value of silver and gold has reduced the gold value of property here one-half.

"I am not writing in favor of a gold or silver standard, but I am adducing facts which should awaken greater attention—better still, more decided action—in favor of a permanent or more equalizing adjustment of the value of silver and gold as purchasing mediums. Silver is used by one-half of the world and gold by the other half, and while wages in one-half are paid in a depreciated currency and in the other half in an appreciated currency, a rivalry between the respective products of the labor of each is encouraged, with the advantage in the outset to the products of the laborer paid in depreciated currency, especially when the latter can supply his daily wants with such a currency, which he willingly receives and remains contented. Such apparent advantage is no longer offset by the superiority of the machinery heretofore employed in manufacturing, which was confined to the half of the world now using gold. The same grade of machinery which a few years ago gave superiority to the cotton mills of the United States and Great Britain is now used in the cotton mills of Japan and China, and the enterprise that transplanted it to those countries sent with it foreign skill and ingenuity to superintend and utilize its capacity."

Here is a situation whose danger can hardly be overestimated, and which can not be too quickly guarded against to the extent of our power. It is a situation that demands immediate study by men who are familiar with the conditions of production in this country, and who are able to devise methods by which our own industries may be protected. A commission of the character proposed can best do this work. It will have for its aid the Bureau of Labor already established, which has gathered facts of great value, and is engaged in labors that will be of still greater usefulness. Both commission and Bureau, working on the same lines, can be made to supplement each other in a most effective manner. But the commission is necessary for the study of industrial situations such as that which is now so forcibly presented to our attention, with a view to discover how our own industries are affected and how they can best be protected, and this can not be done too soon. The need of action is immediate. Japan has demonstrated its capacity for rapid development which gives no hope that time will be given us to study at our leisure the questions presented. The issue is even now upon us, and now is the time to act.

Your committee therefore recommends the passage of the bill.

Mr. PERKINS. There is hardly a request which my friend from Iowa would make of me to which I would not yield, but it is not the fault of the Senator from Pennsylvania, or the other members of the committee which considered this bill, that it has not been before the Senate for consideration. Time and time again it has been brought up here, and objections have been made to it. I will promise that the friends of the bill will not occupy fifteen minutes in its advocacy, and if its opponents, the Senator from Rhode Island [Mr. ALDRICH], the Senator from Connecticut [Mr. PLATT], and others, will do the same, we shall dispose of the bill in thirty minutes, and either defeat it or pass it.

I want to say, parenthetically speaking, that appropriation bills are, of course, necessary for the sustenance and life of this Government, but this bill is of vital importance, I believe, to the people of our whole country. The object of a government is to make people happy, contented, and prosperous, as well as to protect them in their lives and property, and the millions of friends of this bill believe that it is a panacea for many of their wrongs. Give us, therefore, the opportunity of voting upon it, and whatever the result may be, we shall all acquiesce in it.

Mr. PLATT. Mr. President, I feel that I ought to make a single remark with regard to one observation of the Senator from California. This is the first time, I think, that a motion has been made to take up this bill. The continuous request has been that it should be considered by unanimous consent when we were considering unobjected bills. Being opposed to the bill, I have felt, under those circumstances, that it was my duty to object. I felt that this was a bill which should be discussed. I do not intend to discuss it at any great length, but I do intend before its passage to take sufficient time to inform the Senate of the very remarkable provisions which the bill contains.

Mr. ALLISON. Now, Mr. President——

Mr. ALDRICH. Will the Senator from Iowa allow me for a moment?

Mr. ALLISON. Certainly.

Mr. ALDRICH. As the Senator from California [Mr. PERKINS] has seen fit to allude to me as one of the opponents of the bill, I desire to say that I am opposed to the bill because I believe it is utterly impracticable and nonsensical, if such a word is a proper word in a parliamentary sense to use in connection with a bill; and I feel bound to call the attention of the Senate and the country, and of the labor organizations themselves, to its character, not at any very great length, but in my opinion, the bill will certainly occupy more time than is now at the disposal of the Senate if we are to dispose of the pending appropriation bills.

Mr. QUAY. Will the Senator from Iowa yield to me for a moment?

Mr. ALLISON. I yield.

Mr. QUAY. I suggest that a time be fixed for taking the vote on this bill. I think the Senator from California will agree to that suggestion.

Mr. ALDRICH. No time can be fixed until after the debate on the bill has been concluded.

Mr. ALLISON. I want to say to the Senator from California that I am not antagonizing this bill. I am simply stating the necessity of dealing with the appropriation bills now in preference to any other measure that is on the Calendar or is likely to be placed on the Calendar. I am perfectly willing that a time shall be fixed for a vote on the bill, and I should be glad if we could have a vote in fifteen minutes, and would yield to it; but if that can not be done, or a time can not be fixed, I feel it to be my duty to test the sense of the Senate by a yea-and-nay vote upon the expediency of proceeding with the Indian appropriation bill.

Mr. HOAR. What is the regular order?

Mr. PLATT. Mr. President, in regard to the matter of fixing a time to take a vote——

Mr. SHERMAN. Is it in order to debate a motion to take up a bill?

Mr. PLATT. No motion has been made.

Mr. HILL. The bill has been already taken up.

The VICE-PRESIDENT. The Chair will state the present condition of the bill. Upon the motion of the Senator from Pennsylvania [Mr. QUAY], the bill is now pending before the Senate. The Senator from Connecticut [Mr. PLATT] was recognized upon the bill.

Mr. TELLER. I ask the Senator from Connecticut to yield to me for just a moment.

Mr. PLATT. I will in a moment.

I want to say, with regard to the proposition to fix a time for taking a vote, that it is scarcely practicable before discussion has taken place upon a bill so important as this, which, as it seems to me, revolutionizes the whole system of legislation in this country, to fix a time for taking the vote. There is not, so far as I am concerned, going to be any great delay in discussion; but there ought to be discussion before we are asked to fix a time for taking a vote.

Mr. QUAY. I suggest that the vote be taken at 3 o'clock on the 1st of March, by unanimous consent.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Pennsylvania, that the vote be taken upon the pending bill at 3 o'clock on the 1st day of March. Is there objection?

Mr. HAWLEY. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. PALMER. Mr. President——

Mr. TELLER. I yield to the Senator from Illinois.

Mr. PALMER. I desire to say but a very few words in regard to this measure. It proposes an efficient commission to obtain information which is of the highest importance. The Congress, including the Senate, has made large appropriations for many objects, but none more important than this. The purpose of this bill is to secure information in regard to the distressing problems, the distressing embarrassments, which now attend the relations of capital and labor, including agriculture and manufactures. The bill contemplates an adequate payment to an adequate commission; that commission is to be aided by all suitable agencies, and if it shall find a solution for the distressing problems and distressing embarrassments which now divide our people into classes, sections, and various interests, it will have achieved more for this country than the construction of a man-of-war.

Mr. PLATT. Mr. President, if the discussion is going on upon this bill, I shall say what I have to say about it now.

Mr. ALLISON. I ask the Senator from Connecticut to yield to me that I may test the sense of the Senate on the question of proceeding to the consideration of the Indian appropriation bill.

Mr. TELLER. Before that is done, I should like to say a few words, if I am now in order, if the Senator will yield for that purpose.

Mr. PERKINS. Mr. President, I am of a compromising nature. I ask unanimous consent to arbitrate this question. We have been talking about arbitration for some time. The distinguished Senator from Iowa, of course, when he undertakes anything, generally succeeds. We have not, I think, a law upon our statute books which is not in a measure one of compromise. Therefore I make the suggestion to the Senator from Iowa that when the last appropriation bill shall have passed the Senate this bill shall be taken up for consideration.

Mr. ALLISON. I agree to that with great cordiality. [Laughter.]

Mr. FAULKNER. I object to that.

Mr. HILL. I insist upon it that this bill is properly before the Senate, that the Senator from Connecticut [Mr. PLATT] has the floor, and can not be taken off the floor without his consent. This bill having been brought up by vote, its friends should stand by it and proceed to dispose of it.

Mr. ALLISON. All right.

The VICE-PRESIDENT. The Chair has stated the condition of the bill. The Chair does not understand whether the Senator from Connecticut has yielded the floor or not.

Mr. PLATT. I have not.

Mr. QUAY. Will the Senator from Connecticut yield to me for a moment?

Mr. PLATT. I will yield to the Senator from Pennsylvania for a moment.

Mr. HILL. I insist on the regular order.

Mr. QUAY. I will put in form the suggestion of the Senator from California [Mr. PERKINS]. I move that the further consideration of this bill be postponed until the last appropriation bill shall have passed at the present session; and that it shall then be the special order.

Mr. PERKINS. Provided it be not later than March 1.

Mr. ALDRICH. There can be no objection to that.

Mr. HILL. I rise to a point of order, that there can be only two motions to postpone—one to a day certain, and the other indefinite postponement; and this motion, while it would be sufficiently uncertain to move to take the bill up after the last appropriation bill is disposed of, is not in order under the rules of the Senate.

Mr. QUAY. I ask unanimous consent that that order be made.

Mr. HOAR. I suggest to the Senator that if there is to be no time until after the last appropriation bill passes the Senate, then this motion is simply a snare and a delusion, and of course does no good to the bill. If there is any such time, it belongs to other measures. I must object.

Mr. ALLISON. Now I ask the Senator from Connecticut to yield to me.

Mr. HILL. I insist on the regular order. The Senator from Connecticut is entitled to the floor and ought to proceed.

The VICE-PRESIDENT. The Chair has so determined; but the Chair submits to the Senate the request for unanimous consent. Will the Senator from Pennsylvania again state his request?

Mr. HOAR. That was objected to, Mr. President.

The VICE-PRESIDENT. Will the Senator from Pennsylvania again state his request for unanimous consent?

Mr. QUAY. My request was that the further consideration of the bill should be postponed until the last appropriation bill shall have been passed, and then that the bill shall be the special order.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Pennsylvania, that the consideration of the pending bill be postponed until the last appropriation bill shall have been disposed of, and that it shall then stand as the regular order.

Mr. HOAR. Disposed of by whom?

Mr. QUAY. Shall have passed the Senate.

Mr. HOAR. To that I object.

The VICE-PRESIDENT. Objection is interposed. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. ALDRICH. In a spirit of compromise, I suggest that we make the bill the special order for the 1st day of March.

Mr. PERKINS. And vote on the bill on that day.

Mr. ALDRICH. Make it a special order, and we will get a vote on it as soon as we can.

Mr. QUAY. Make it a special order for the 1st of March, after the conclusion of the morning business.

Mr. HAWLEY. I object to that.

Mr. HILL. I object to this joint debate.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. HAWLEY] objects. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. TELLER. I ask the Senator from Connecticut to yield to me.

Mr. QUAY. If the Senator from Connecticut will give way, I will move that the bill be postponed until the 1st of March, and be then made a special order at the conclusion of the morning business.

Mr. ALLISON. Let that be done.

The VICE-PRESIDENT. Does the Senator from Connecticut yield for that motion?

Mr. PLATT. I shall ask the yeas and nays on it.

Mr. PERKINS. I suggest to the Senator from Pennsylvania that he name an hour for voting. Otherwise the bill will be defeated.

Mr. QUAY. That consent we can not get.

Mr. PERKINS. Otherwise the bill will be defeated.

Mr. QUAY. I withdraw the motion. I am not in charge of the bill.

Mr. HILL. Let the Senator from Connecticut proceed with his remarks.

The VICE-PRESIDENT. The Senate will come to order. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. PLATT. Let me call attention now, Mr. President, since we have had this irregular and desultory consideration of the pending bill, to what its features really are.

Mr. ALLISON. I appeal to the Senator from Connecticut once more to yield to me that I may make a motion. I think he will find it more convenient to yield now, inasmuch as the bill is likely to be postponed, and that he will want to make his explanation of the bill when it is under consideration rather than now.

Mr. PLATT. I yield to the Senator from Iowa.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. The Senator from Connecticut yields to the Senator from Iowa to make a motion, which the Chair will submit to the Senate.

Mr. HILL. Mr. President——

Mr. ALDRICH and others. The motion is not debatable.

The VICE-PRESIDENT. The Chair will hear the statement of the Senator from New York.

Mr. HILL. I was going to ask the Senator from Iowa whether, the opponents of the bill having been heard on this question——

Mr. ALDRICH. Regular order!

Mr. HILL. Those who are in favor of it——

Mr. ALDRICH. Mr. President, I object to discussions upon the pending motion, which is not debatable.

Mr. HILL. Those in favor of the bill should have the opportunity to say a word.

Mr. ALDRICH. I ask that the rules of the Senate may be enforced.

Mr. HILL. I ask for the yeas and nays on the motion, and I hope the friends of the bill will vote the motion down.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Iowa [Mr. ALLISON] that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. HILL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired generally with the Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. MANTLE (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. MORRILL. I am paired with the senior Senator from Tennessee [Mr. HARRIS]. I think he would vote in favor of a motion to proceed to consideration of an appropriation bill; but not knowing certainly about it, I withhold my vote.

The result was announced—yeas 34, nays 28; as follows:

YEAS—34.

Aldrich,	Chilton,	Hoar,	Sewell,
Allison,	Cockrell,	Jones, Ark.	Sherman,
Baker,	Cullom,	McMillan,	Stewart,
Berry,	Daniel,	Mills,	Vest,
Blackburn,	Davis,	Morgan,	Walthall,
Brown,	Frye,	Nelson,	Wetmore,
Caffery,	Gorman,	Pasco,	Wilson.
Call,	Gray,	Platt,	
Chandler,	Hawley,	Proctor,	

NAYS—28.

Allen,	Gallinger,	Mitchell, Wis.	Quay,
Bacon,	Hansbrough,	Murphy,	Roach,
Bate,	Hill,	Palmer,	Shoup,
Burrows,	Irby,	Peffer,	Teller,
Butler,	Lindsay,	Perkins,	Vilas,
Cameron,	Lodge,	Pettigrew,	Voorhees,
Cannon,	McBride,	Pugh,	White.

NOT VOTING—28.

Blanchard,	Gear,	Kenney,	Smith,
Brice,	George,	Kyle,	Squire,
Carter,	Gibson,	Mantle,	Thurston,
Clark,	Gordon,	Martin,	Tillman,
Dubois,	Hale,	Mitchell, Oreg.	Turpie,
Elkins,	Harris,	Morrill,	Warren,
Faulkner,	Jones, Nev.	Pritchard,	Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. PETTIGREW. When this bill was last under consideration a portion of it was read formally, but an agreement was entered into by which we should commence with the beginning of the bill when it was again taken up and proceed to consider the amendments reported by the Committee on Appropriations. I therefore ask that that order be pursued.

The VICE-PRESIDENT. The Chair asks the Senator from South Dakota to repeat his request.

Mr. PETTIGREW. I ask that we dispense with the formal reading of the bill, and that the amendments of the Committee on Appropriations be acted upon as they are reached in the reading.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. BATE. What is that proposition, Mr. President? I did not hear it.

Mr. PETTIGREW. The proposition I make has already been agreed to, and was agreed to when the bill was heretofore laid aside.

The VICE-PRESIDENT. Will the Senator from South Dakota state his request for the benefit of the Senator from Tennessee [Mr. BATE]?

Mr. PETTIGREW. My request was that we proceed with the consideration of the bill and dispose of the amendments of the Committee on Appropriations as they are reached.

Mr. BATE. I do not see any objection to that.

Mr. WILSON. May I inquire of the Senator whether that will dispense with the formal reading of the bill as it came from the House of Representatives?

Mr. PETTIGREW. We have dispensed with the formal reading of the bill by unanimous consent.

Mr. FRYE. That was agreed to by unanimous consent a week ago, and all the Secretary has to do is to read the bill and take up the committee amendments as they occur.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, which had been reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, under the head of "Current and contingent expenses," on page 9, line 11, after the word "farming," to insert "within the State or Territory where such agency is located, and where practicable, competent Indians shall be given the preference;" so as to make the clause read:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $65,000: *Provided*, That no person shall be employed as such farmer or stockman who has not been at least two years immediately previous to such employment practically engaged in the occupation of farming within the State or Territory where such agency is located, and where practicable, competent Indians shall be given the preference.

Mr. CHILTON. Mr. President, that is an attempt to put into this bill what seems to me a very narrow sort of policy, that the men who are employed as farmers to assist the Indians, or to instruct them, shall have lived for two years within the State or Territory in which the agency is located. It was left out of this appropriation bill in the other House purposely. The provision has been reported by the Senate committee, and it occurs to me that it would be well to cut it out here. It is not a matter of great importance, and yet it establishes what I think is a bad principle, an attempt to prescribe that Federal officers shall be chosen from a particular locality.

Mr. WILSON. Mr. President, under the recent proclamation of the President of the United States placing all of these offices under the civil service, will an amendment of that character have any force and effect? I do not know. I make the inquiry.

Mr. ALLISON. I am not quite sure whether a law passed now would have any effect upon an Executive order made some time ago; but I rather think it might control it.

Mr. WILSON. All the offices of minor importance in the United States are now under the control of the civil service trust, even to the cooks and the gardeners in the penitentiaries. The cook in the penitentiary at McNeils Island, in the State of Washington, I suppose would have to pass an examination in trigonometry, or something of that character. [Laughter.] The order is sweeping in its character, and takes in every office except those confirmed by the Senate of the United States. In my judgment, therefore, an amendment of this character would seem to me to have no effect whatever. We may get a farmer upon an Indian reservation from Rhode Island or from any other place. I do not think the provision amounts to anything.

Mr. CHILTON. I urge again that the provision in question be stricken out. I am no special friend or champion of the civil-service system. That, however, is not the subject here. If the civil-service law makes the provision nugatory, it will do no good, and should not be inserted. But I am inclined to think that if we put the provision in the bill it might lead to embarrassment. It is of doubtful constitutionality. I do not think Congress has a right to make limitations upon the eligibility to Federal office.

Mr. PETTIGREW. I will say that the reason which prompted the committee to insert this amendment was this: Heretofore, especially under the administration of the last Secretary of the Interior, farmers were brought, for instance, from Mississippi and Georgia to the State of South Dakota, and from the Northern States generally, to teach the Indians how to farm. In South Dakota they do not raise the same crops which are raised in Mississippi. Our Indians could not be taught to raise peanuts and cotton. Therefore there was utter demoralization of the service as a result of this practice. Under the civil service, and these appointments are under the civil service, lists can be prepared so as to avoid that. Otherwise it will occur constantly. Men from the Southern States will take the civil-service examination and be sent to teach Indians in the Northern States the kind of farming which it is impossible for them to follow.

The amendment contains two important conditions. First, that the farmers shall be residents, experienced in farming in the locality near the agency, where they have a knowledge of the kind of farming which the Indians can follow in that climate. Second, competent Indians shall be given the preference. Indian boys have been educated at our schools in the North and are abundantly able to fill these places. Yet the pressure for patronage is so great that those boys will be shut out in every instance unless we provide by law that they shall be given the preference. It seems to me the amendment is important. It covers two important questions, and I think it ought to be adopted by the Senate.

Mr. CHILTON. To that part of the amendment which proposes that where practicable Indians shall be given preference, I have no sort of objection, but to hamper the appointing power by certain geographical lines and say that officers selected by the Government of the United States shall reside in a particular State is, in my judgment, a departure from the constitutional and national system which our fathers set on foot. It is true that the employment of a few men on an Indian reservation is intrinsically a small matter, but when you analyze the issue it is just that question which we have had up in the Senate from year to year in different forms.

It is true that it would be very inexpedient to select a farmer from Texas, for instance, and send him to South Dakota to instruct the Indians of that particular section. I do not believe any Indian Commissioner who has a proper conception of his duties would do so. Why? Because such a man is not best fitted for the particular duty to which he is assigned. But, sir, suppose that for a reservation on or near the border of Nebraska and South Dakota, and yet inside the line of South Dakota, the Indian Commissioner should select a farmer living right across the line in Nebraska. That might be a very proper exercise of his discretion. The amendment is an attempt to superadd to the constitutional qualifications of Federal officers a certain further qualification which we have no right to make. I shall ask for a yea-and-nay vote on agreeing to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. VEST and Mr. HAWLEY. What is the amendment?

The VICE-PRESIDENT. The amendment will again be stated.

Mr. HAWLEY. On what page is it?

Mr. PETTIGREW. Page 9.

The SECRETARY. On page 9, line 11, after the word "farming," it is proposed to insert:

Within the State or Territory where such agency is located, and where practicable competent Indians shall be given the preference.

Mr. WILSON. I desire to ask Senators, in all candor, whether they do not think that in some way or some manner a further amendment should be added to this provision, taking out of the classified service farmers upon Indian reservations? We are trying to provide here that wherever practicable Indians who are competent shall be given the preference. It is a well-known fact that if an Indian be compelled to undergo an examination which the Civil Service Commission may provide, it would be impossible and impracticable for him to pass it. He might have some knowledge of farming; he might know something relative to sowing and reaping; he might be a fairly good instructor upon farming, but he would know very little about differential calculus; he would know very little about the lost tribes of Israel, and other matters which might be embraced in the examination that the Commission would provide for him.

It seems to me that if we are to have any practicable reform of this character and to give the Indians the benefit of having instructors on farming, this class of appointments must be taken out of the classified service, and that is true in many other particulars. A very wide and very sweeping order has been made. It is depriving men who have not had the opportunity to receive an education of the chance to do a certain class of work that is provided by the Government. All teamsters, all men who drive wagons, all men who cook in penitentiaries, all guards in penitentiaries, are now under the classified service. It seems to me, with all respect to the source from which the order emanates, that it is a very great and serious mistake.

Mr. GALLINGER. Will the Senator from Washington yield to me for a moment?

Mr. WILSON. Certainly.

Mr. GALLINGER. I quite agree with the Senator in his expressed views of civil service. I should make them a little more emphatic than he does if I were discussing that particular topic. I wish to ask the Senator if he thinks this language would exclude these men from the operations of the civil service:

And where practicable, competent Indians shall be given the preference.

Does the Senator think that that language will procure for these men employment without reference to the Civil Service Commission?

Mr. WILSON. It is very doubtful.

Mr. GALLINGER. I should think it would not.

Mr. WILSON. It is a doubtful question. In the first place, we talk a good deal about trusts in the Senate of the United States, but the greatest trust is the civil-service trust.

Mr. GALLINGER. That is right.

Mr. WILSON. I do not know what the Commission would do. I am a friend of a proper, legitimate, reasonable civil service, but I am not a friend of the civil service where I do not think it will operate to the best interest of the service of the United States, and I do not believe it will do so as to Indian farmers. I do not believe it will do so with cooks for penitentiaries. I do not believe it will do so with teamsters. I do not believe it will do so with blacksmiths. I do not believe it will do so with harness makers and all that class of labor. There are a great number of poor men in this country who have not had an opportunity to acquire an education who desire those places and who have learned these trades and have a thorough knowledge of them. They ought to have an opportunity to obtain them, but they can not without undergoing the examinations that the Civil Service Commission may prescribe.

Mr. CHILTON. Of course, when that question comes up——

Mr. WILSON. It is up right here, Mr. President, upon this amendment.

Mr. CHILTON. I move to amend the committee amendment by striking out line 12 on page 9. That will leave that part of the amendment which provides that a preference shall be given to Indian farmers and strikes out that part of it which requires that the farmers shall be appointed from the State or Territory.

The VICE-PRESIDENT. The amendment of the Senator from Texas to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out, on page 9, line 12, as follows:

Within the State or Territory where such agency is located.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. CHILTON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote.

Mr. MCBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE], who is not present. I therefore withhold my vote.

Mr. MANTLE (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS], who is not present.

Mr. TILLMAN (when his name was called). I have a pair with the Senator from Nebraska [Mr. THURSTON]. As he is not present, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. I am advised that if present he would vote "nay." Therefore I withhold my vote, for I should vote "yea."

The roll call was concluded.

Mr. BLANCHARD. I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "yea."

Mr. MANTLE. I have a general pair with the junior Senator from Virginia [Mr. MARTIN], as I have stated. The Senator from New Jersey [Mr. SMITH] has a general pair with the Senator from Idaho [Mr. DUBOIS]. I have the consent of the Senator from New Jersey to transfer my pair with the Senator from Virginia to the Senator from Idaho, so that I may vote. I vote "nay."

Mr. VILAS. I ask the Senator from Oregon [Mr. MCBRIDE] if he desires to transfer pairs, so that he and I can vote on this question?

Mr. MCBRIDE. I should be very glad to transfer pairs.

Mr. VILAS. Then let the Senator's colleague [Mr. MITCHELL] stand paired with the Senator from Mississippi [Mr. GEORGE], and the Senator can vote, and I will. I vote "yea."

Mr. MCBRIDE. I vote "nay."

The result was announced—yeas 17, nays 32; as follows:

YEAS—17.

Bate,	Gray,	Morgan,	Vilas,
Berry,	Hawley,	Palmer,	Walthall.
Caffery,	Jones, Ark.	Pasco,	
Chilton,	Lindsay,	Roach,	
Daniel,	Mills,	Vest,	

NAYS—32.

Aldrich,	Cameron,	Nelson,	Sewell,
Allen,	Cannon,	Peffer,	Shoup,
Allison,	Cullom,	Perkins,	Stewart,
Bacon,	Frye,	Pettigrew,	Teller,
Blackburn,	Gallinger,	Platt,	Turpie,
Brown,	McBride,	Proctor,	Voorhees,
Burrows,	McMillan,	Pugh,	Wetmore,
Butler,	Mantle,	Quay,	Wilson.

NOT VOTING—41.

Baker,	Faulkner,	Irby,	Sherman,
Blanchard,	Gear,	Jones, Nev.	Smith,
Brice,	George,	Kenney,	Squire,
Call,	Gibson,	Kyle,	Thurston,
Carter,	Gordon,	Lodge,	Tillman,
Chandler,	Gorman,	Martin,	Warren,
Clark,	Hale,	Mitchell, Oreg.	White,
Cockrell,	Hansbrough,	Mitchell, Wis.	Wolcott.
Davis,	Harris,	Morrill,	
Dubois,	Hill,	Murphy,	
Elkins,	Hoar,	Pritchard,	

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs upon agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Chippewas of Minnesota, reimbursable," on page 14, line 20, before the word "thousand," to strike out "one hundred and twenty-five" and insert "seventy-five;" and in the same line, after the word "dollars," to strike out "so much thereof as may be necessary for the erection and completion of suitable buildings for an industrial boarding school on the White Earth Reservation, Minn., to be immediately available;" so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses; and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, $75,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to insert:

For the erection and completion of suitable buildings for an industrial boarding school on the White Earth Reservation, Minn., $50,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 15, line 8, after the word "dollars," to insert the following proviso:

Provided, That all lands acquired and sold by the United States under the "Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, shall be subject to the right of the United States to construct and maintain dams for the purpose of creating reservoirs in aid of navigation, and no claim or right of compensation shall accrue from the overflowing of said lands on account of the construction and maintenance of such dams or reservoirs. And the Secretary of War shall furnish the Commissioner of the General Land Office a list of such lands, with the particular tracts appropriately described, and in the disposal of each and every one of said tracts, whether by sale, by allotment in severalty to individual Indians, or otherwise, under said act, the provisions of this paragraph shall enter into and form a part of the contract of purchase or transfer of title.

The amendment was agreed to.

The next amendment was, under the subhead "Kickapoos in Kansas," on page 21, line 21, after the word "cents," to strike out:

Merchants and others doing business with and having accounts against Indians to whom allotment of lands has been made in any reservation in the State of Kansas shall not be prohibited from going upon the reservation, or to any agency in said State, for the purpose of collecting or securing, in an orderly manner, such debts; but any Indian agent shall have power to remove any person from the reservation who is there for the purpose of gambling or inciting insubordination among the Indians.

Mr. GALLINGER. I desire to ask the Senator in charge of the bill why it is proposed to strike out the lines which provide that merchants and others doing business with and having accounts against Indians, etc., may have the privilege of going upon the reservation in an orderly manner to collect their debts? It seems to me that if these Indians are in debt, and are dishonest, it is very proper that those who have trusted them should at least have the privilege of going upon the reservations to try to collect their honest bills.

Mr. PETTIGREW. The committee recommends striking out the provision of the House for the reason that we have upon the agencies licensed traders who are required to give bond to conform to certain rules of the Department. The Department has a right under those rules to fix the prices at which the traders shall sell goods. So far as I am concerned, I am in favor of making trade absolutely free upon the agencies, allowing anyone who will conform to the rules of the Department and give a bond to go there and trade. But if we allow people from the outside, without any restriction or restraint upon them whatever, to come in and collect when the money is paid to the Indians, they take advantage of the Indians, and when the check is delivered they stand in close proximity to the officer of the Government and get possession of it, giving the Indian credit. The result is that they make from 50 to 300 per cent profit on the goods they sell to the Indians on time, and are able to make absolutely certain of their pay. They charge a profit which more than pays them for all the risk they take as to whether the Indian will come and pay them when he gets his money, and then if they are permitted to go upon the reservation they secure their pay at once. The checks are taken from the Indians in many instances without their consent, or by forced consent. In some instances they are taken from Indians who can not speak the English language, and they do not know what the purpose or object is. Therefore the committee thought it wise to hedge about these payments, so as to protect the Indians as far as possible in this connection.

Another remedy might be applied. We might provide that no one should trade upon an agency at all. Perhaps that would be a good plan, and then allow no one to go there to collect, and if the traders choose to trust the Indians let them take their chances as to whether or not they get their pay. I think perhaps that would eradicate many of the evils which exist in connection with trading with the Indians. Certain it is that without this provision a swarm of collectors who have sold the Indians all sorts and kinds of articles by misrepresentation of every character will appear at every payment and gather up every dollar that is coming to the Indians. Then until the next payment the Indians must again go into debt, paying enormous prices for things they do not need. But if the traders can not go upon the agency to collect, they will be very careful about giving credit, they will be very careful about the things they sell, and thus the Indians will be protected. Therefore I believe it is important that this provision should be stricken out.

Mr. GALLINGER. Mr. President, I recognize the fact that the Senator from South Dakota (who has dealings with the Indian tribes more or less, and I am a representative of a State that knows very little about this Indian question, except theoretically) understands this question much better than I. Nevertheless, I have had some very trivial dealings with Indians, and I have yet to recall the circumstance where I did not get the worst of it. I do not think there is any very great danger of these Indians being robbed if they are compelled in an orderly and proper way to pay their debts. If they go away from their reservations and secure goods upon a promise of payment, and then the merchant who has given them those goods is not permitted, either in person or by an agent, to go upon the reservation to make demand that they shall pay what they honestly owe, it seems to me we are legislating against the white people for the benefit of the Indians to a much greater extent than we ought to do in an Indian appropriation bill.

I confess, as I said in the beginning, I know comparatively little about this matter. It simply strikes me as being a business transaction that is one sided and unfair. I think the House was wise in putting in the language which the Senator from South Dakota desires to have stricken from the bill. I shall vote against the amendment, but I presume it will pass, and I shall not occupy the attention of the Senate a single moment further in the discussion.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on the adoption of the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, under the subhead "Pawnees," on page 24, line 7, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to pay to the Pawnee tribe of Indians in cash, per capita, the sum of $50,000 out of their trust-land money on deposit in the United States Treasury.

Mr. GALLINGER. Before that amendment is passed upon, I desire to ask the Senator in charge of the bill a question. Here is an amendment providing that the Pawnee tribe of Indians shall be paid in cash the sum of $50,000 per capita out of their trust-land money on deposit in the United States Treasury. I confess that it is somewhat of a surprise to me in my ignorance to know that we have such a class of aristocrats and bondholders in this country as the Pawnee tribe of Indians seem to be, that they can draw out their trust-land money $50,000 a head. I do not object to it, because I take it for granted that the money is there and that it belongs to them; but what I want to ask is, What conditions were imposed when this money was placed on deposit in the United States Treasury? Probably the Senator from South Dakota can in a very few words enlighten my mind on that point. The money was put there for some good purpose; it is there on deposit, I take it, to the credit of this tribe of Indians; but I assume there are some conditions attaching to it, some guards, some provisions that enable it to be held there for some good purpose. I would like to know what those conditions are and why we should now legislate to let $50,000 per capita of that money loose to these Indians, who, the Senator says, are capable of doing business? It is a query in my mind just what will become of this vast amount of money when these untutored savages get hold of it.

Mr. PETTIGREW. The Senator has mixed up a speech with his question. I will try and weed the question out of the speech and answer it. These Indians sold their surplus lands to the Government several years ago and took allotments in severalty. I believe under the so-called Dawes Act of 1887 they received a certain sum of money for the land which they sold, which was

placed in the Treasury of the United States, bearing interest at 5 per cent. The sum is not large; it is about $450,000. Therefore the interest money was not sufficient to make the necessary improvements in order that they might proceed to cultivate their allotments.

Mr. PLATT. Will the Senator from South Dakota permit me?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. PETTIGREW. Certainly.

Mr. PLATT. The Senator from New Hampshire evidently supposes, from his remarks, that the sum of $50,000 is to be paid to each Indian.

Mr. PETTIGREW. I will say, as to the form of the amendment, if that is what troubles the Senator from New Hampshire, it was drawn by the Interior Department in the exact form in which it is placed in the bill; that it is hardly capable of the construction which the Senator gives it; and that the payment is recommended by the Department.

Mr. GALLINGER. I will say to the Senator that the form of the amendment does not trouble me, because I honestly supposed, after reading the amendment twice, that it meant precisely what I said, that $50,000 per capita was to be distributed to these Indians. Of course, if the whole amount is $50,000, I have nothing further to say on that point.

Mr. GRAY. There is no question, perhaps, about what was intended, but the point is what is stated. It is stated in this amendment that the Government is not to distribute, but to pay to the Pawnee Indians in cash per capita $50,000.

Mr. GALLINGER. Certainly.

Mr. ALLISON. To be distributed per capita?

Mr. GRAY. The words "to be distributed" would relieve the ambiguity, of course.

Mr. PETTIGREW. I have no objection to that amendment to the amendment, although I do not think there is any danger that the Pawnees will get $50,000 apiece as it now stands.

Mr. ALLISON. I think the Senator is right. I do not believe they would get $50,000 apiece. They will do very well if they get $5 apiece.

Mr. CHILTON. Mr. President, I have an objection to the pending amendment of a more serious character than that suggested by the Senator from New Hampshire. As I understand it, this is a part of the trust fund of these Indians which is deposited in the Treasury and upon which they collect an interest of about $22,500 a year. The amount of the principal is not quite so great as was stated by the Senator from South Dakota. As I recollect it, the amount of the fund they have on hand is about $425,000.

Mr. PETTIGREW. That is about the amount.

Mr. CHILTON. About four hundred and twenty-five thousand. These Indians also get a permanent annuity of $30,000, which is provided for in the appropriation bill. They also get other appropriations in this bill which swell the amount to between $47,000 and $50,000, independently of the item now under discussion and the annual interest. Now, this annual interest on the trust fund is, as stated, about $22,500. Thus the Pawnees will draw about $70,000, even if the sum now debated is withheld.

How many of these Indians are there? I understand there are only about 140 families. They are located in some of the best country of Oklahoma. Their land is south of the Canadian River. It adjoins that of the Osages. I for one do not think that this trust fund ought to be invaded from year to year, and in that way all the permanent investment of this remnant of an Indian tribe wasted, and the Indians left to be a charge upon the Treasury of the United States.

Some of these Indians—for example, the Fort Hall Indians—that are provided for in this appropriation bill are, I understand, now on the bounty of the United States Government. If we adopt the method proposed and dwindle away the permanent trust fund of these Pawnee Indians, in a few years the Government of the United States will have to support them as paupers. Think of it; you divide about $70,000, without counting the sum mentioned in the amendment, among, say, 140 families. Now, if you make an additional appropriation, which runs the total amount up to about $120,000, to be distributed to them, it seems to me that you have made an unwise appropriation.

The Senator from South Dakota remarks that that is recommended by the Secretary of the Interior. I understand from my reading of the papers connected with this matter that it is recommended perhaps by the Commissioner of Indian Affairs, but the Secretary of the Interior simply refers it to Congress for its disposition. I do not think that the letter of the Secretary of the Interior can be considered as an indorsement of this particular appropriation. On the other hand, he states in his letter, as I remember it, that he endeavored to persuade these Indians to consent to take only $26,000, or enough to reduce their trust fund to $400,000.

Mr. PETTIGREW. I will say for the information of the Senator from Texas that the Secretary recommended $50,000, and that he drew the amendment so far as it appears in the bill and sent it down.

Mr. JONES of Arkansas. Will the Senator let the Secretary's recommendation be read to the Senate?

Mr. PETTIGREW. I have it not here.

Mr. CHILTON. The Senator says it is not here. I should like to have the Senator from South Dakota procure it and read it during the consideration of this question.

Mr. PETTIGREW. Let us pass over the item, and I will send and get the letter of the Commissioner of Indian Affairs in regard to this subject.

Mr. CHILTON. Oh, the letter of the Commissioner of Indian Affairs. I am drawing a distinction between the recommendation of the Commissioner of Indian Affairs and that of the Secretary of the Interior.

Mr. PETTIGREW. I will have them both here.

Mr. CHILTON. All right.

The PRESIDING OFFICER. If there be no objection, the amendment will be passed over.

The reading of the bill was resumed, as follows:

POTTAWATOMIES.

For permanent annuity, in silver, per fourth article of treaty of August 3, 1795, $357.80.

Mr. ALLEN. I wish to call the attention of the Senator in charge of the bill to the fact that this appropriation is payable in silver. I should like to ask him why it is made specifically payable in silver?

Mr. PETTIGREW. Because of the treaty.

Mr. GALLINGER. It is a treaty provision.

Mr. ALLEN. I know the position of the Senator from South Dakota, but I should like to have his associates explain to the Senate why we are to pay these benighted children of nature any money that is said to be worth only 50 cents on the dollar? I have noticed this same provision elsewhere; it runs in substance through the bill. I insist that the members of the Appropriations Committee, who claim to be sound-money men, and who claim to have a monopoly of all the wisdom upon the science of finance, shall not be guilty of the crime, if I may be permitted to call it a crime, of imposing 50-cent dollars upon these Indians. I raise the question upon this particular portion of the bill because all through the bill I find appropriations to Indians payable specifically in silver.

Mr. President, you are somewhat familiar with this question yourself from long contact in the Senate. The country is somewhat familiar with it. If a silver dollar is a dishonest dollar for a white man, it is a dishonest dollar for a red man, and the poorer and more defenseless the individual to whom it is to be paid, the less excuse there is for imposing it upon him.

Mr. HILL. Will the Senator read the clause?

Mr. ALLEN. The Senator from New York asks me to read the clause, which I will do. It is found on page 24——

The PRESIDING OFFICER. The Senator from Nebraska will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. PETTIGREW. I ask that the unfinished business be temporarily laid aside, and that we proceed with the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of the Indian appropriation bill. Is there objection?

Mr. NELSON. The bankruptcy bill is to be laid aside without any prejudice, and is to retain its place?

The PRESIDING OFFICER. That is the effect of the request of the Senator from South Dakota. The Chair hears no objection, and it is so ordered. The Senator from Nebraska will proceed.

Mr. ALLEN. The Senator from New York asks me to read the provision upon which I have been commenting. It is found on page 24 of the bill, and is as follows:

For permanent annuity, in silver, per fourth article of treaty of August 3, 1795, $357.80.

And then it goes on:

For permanent annuity, in silver, per third article of treaty of September 30, 1809, $178.90.

There are several other provisions for the payment of money, all specifically payable in silver.

Mr. WILSON. Will the Senator from Nebraska read the provision beginning on line 22? That will more nearly fit his case than any other on the page, I think.

Mr. ALLEN. Beginning in line 22, that provision reads:

For permanent annuity, in money, per second article of treaty of September 20, 1828, $715.60.

Mr. WILSON. I suppose that would be entirely satisfactory to the Senator. There is no objection——

Mr. ALLEN. I do not know that it would be entirely satisfactory to me unless the word "sound" were inserted before the word "money."

Mr. WILSON. Does the Senator propose to make that amendment?

Mr. ALLEN. No; I do not move that amendment, because I am not charged with any responsibility whatever for any of these appropriation bills.

Mr. WILSON. The Senator from Nebraska is not reading a lecture to his friend from South Dakota upon the money question?

Mr. ALLEN. Oh, no, Mr. President; the honorable Senator who is in charge of the bill is in enforced service. I do not think——

Mr. WILSON. Oh, no; I beg the Senator's pardon. He can retire from it at any moment. There would be plenty very glad to take his place. I should be very glad to take it myself. There will be no force about it, either.

Mr. ALLEN. In so far as he is advocating or compelled to advocate in behalf of the committee the payment of these Indians in silver money——

Mr. WILSON. I should like to hear the Senator from Nebraska also upon the provisions of the treaty which provide that this money shall be paid just as is provided for in the bill.

Mr. ALLEN. The Senator will have to speak louder, or I shall not be able to hear him.

Mr. WILSON. I ask the Senator from Nebraska if it is not a fact that the treaty made with the Pottawatomie tribe of Indians provided that this money should be paid in silver?

Mr. ALLEN. Oh, I think it did.

Mr. WILSON. Then why violate the treaty?

Mr. ALLEN. I do not want to violate the treaty, and I do not want the committee to violate it.

Mr. WILSON. They are not doing so.

Mr. ALLEN. But at the time when these treaties were made silver was sound money, according to the general understanding, in this country.

Mr. WILSON. We were on a silver basis, were we not?

Mr. ALLEN. Oh, no; we have never been on a silver basis. Silver was sound money at that time. But, Mr. President, we have progressed according to the argument of some, and we have reached a period in financial evolution where silver has ceased to be sound money, according to the view of many Senators here, and has become simply a cheap metal, a mere commodity. I want to protest against the Committee on Appropriations imposing upon these poor defenseless Indians what the honorable senior Senator from Ohio in his long experience in public life has recently denounced as a mere cheap metal. I can understand the philosophy of imposing it upon a great strong man or a strong nation capable of caring for themselves, but I can not understand that peculiarity which seemingly runs through human nature that induces the strong and the intelligent to impose upon the weak and the ignorant. I wish there were members of the Appropriations Committee here other than the Senator from South Dakota.

Mr. WILSON. There is one right beside the Senator.

Mr. ALLEN. I am aware of that, but the Senator from Florida [Mr. CALL] is a silver man, too. Every gold monometallist upon the committee has deserted the Chamber at this time. Every gold monometallist has gone. I see the senior Senator from Colorado [Mr. TELLER] present, but he is a silver man, too. I hope the honorable Senator, the senior Senator from Ohio, the champion par excellence of sound money in this country, will give the Senate the benefit of his judgment in regard to paying these poor, benighted Indians in 50-cent dollars.

Mr. PLATT. Do I understand that the Senator from Nebraska is objecting to this item in the bill?

Mr. ALLEN. I am seeking information upon the subject. Perhaps the Senator from Connecticut can give it. The Senator from Connecticut is a sound-money man. Will the Senator from Connecticut vote to pay these Indians in 50-cent dollars?

Mr. PLATT. If the Senator asks me, I am very happy to say that up to this time the silver dollars of this country are just as good as gold dollars. When we pay the Indians a silver dollar, we pay them something of equal value to a gold dollar.

Mr. STEWART. Why do we not pay the bondholder the same money?

Mr. PLATT. What I want, as a sound-money man, is that we may keep these silver dollars just as good as gold dollars.

Mr. STEWART. If they are just as good as gold dollars, why do we issue bonds to get gold?

Mr. VILAS. I understand that is by reason of the crime of 1873.

Mr. STEWART. No; it is in consequence of the conduct of the criminals who have since joined the band.

Mr. ALLEN. I hope the Senator from Connecticut will give me his attention and not retire to the cloakroom after having made that remark. The Senator from Connecticut and his party told the country last fall that these dollars were worth only 50 cents on the dollar.

Mr. PLATT. I beg pardon of the Senator. I do not know what my party told the country, but I always insisted upon it on the stump that our silver dollars had been kept just as good as the gold dollars; that as long as we could do that I was quite willing to use silver dollars; but that I feared the Senator's party was going into a scheme for the coinage of silver which would reduce the value of the silver dollar to about 50 cents.

Mr. ALLEN. I am utterly astounded, and I have been astounded at times before in my life——

Mr. NELSON. Mr. President, I rise to a question of order. Is the pending measure the Indian appropriation bill, or is it a free-coinage bill?

Mr. ALLEN. The Senator from Minnesota is himself out of order.

Mr. WILSON. Every measure is a free-coinage bill as far as the Senator from Nebraska is concerned.

Mr. ALLEN. Yes, sir; and it would be better for the constituents of the Senator from Washington if every measure was a free-coinage bill with him.

Mr. WILSON. I will take care of the constituents of the Senator from Washington probably as well as the Senator from Nebraska will take care of his constituents.

Mr. ALLEN. Oh, doubtless.

Mr. WILSON. I shall try to do so, at any rate. I may fail.

Mr. ALLEN. The Senator interjected himself into the discussion. He must take what he gets.

Mr. WILSON. I did it only once. I will at all times observe all the proprieties the Senator from Nebraska observes.

The PRESIDING OFFICER. The Senator from Nebraska has the floor. The Chair calls the attention of Senators to the rule which provides that when a Senator desires to interrupt a Senator who has the floor it is the duty of that Senator to rise and address the Chair. It is only through the medium of the Chair that a Senator upon the floor can be interrupted.

Mr. ALLEN. Mr. President, I am utterly surprised to hear the honorable Senator from Connecticut now deny any responsibility for the advocacy of his party last fall. Every newspaper was full of it. Every magazine was full of it. Every member of his party from the hustings spoke of the dishonesty of this country in undertaking to foist silver dollars upon the people. They were denounced as 50-cent dollars. Every epithet that human ingenuity could coin and express was used against them. We were told that the national honor was at stake, and that every man who advocated the cause of free coinage was an anarchist, a socialist, an ignoramus, if not an absolute criminal—an idiot, as my friend from Texas suggests to me. Yet at the very first opportunity the Republican party get to put a few hundred thousand of these worthless dollars upon some poor, ignorant, blanket Indians, who know nothing whatever about the science of finance (because the Republican party are in charge here, and they are in charge of the Committee on Appropriations), that moment we are to foist these worthless dollars upon those poor Indians. I do not suppose it is possible for me to check it. I do not think I possess influence enough over the committee to check an outrage of this kind. But the great Populist party, that numbers six million and a half voters in this country to-day, would not be guilty of a moral crime so great against any tribe of Indians as is sought to be perpetrated in this measure.

Mr. WILSON. Mr. President, the distinguished Senator from Nebraska has seen proper to interject into the debate on the Indian appropriation bill a little of the last political campaign. As I interrupted him, I desire to say a single word now.

There was something else in the last campaign, I will say to the Senator from Nebraska, besides the free and unlimited coinage of silver at the ratio of 16 to 1. While, as far as I was personally concerned, upon the stump I had no epithets, for I will say nothing unkind or ungenerous to those who may be in political opposition to me, the word "anarchist" was used. Why was it used, Mr. President? How did that word get into the political campaign? It was not over free coinage of silver at the ratio of 16 to 1; but I call the attention of the Senator from Nebraska to the fact that in the platform adopted at Chicago there was placed one plank which differed only in degree from the utterance of Jefferson Davis in 1860. Mr. Davis said, "I will take my State out of the Union." Mr. Altgeld said, in the city of Chicago in that platform, "The Union shall not come into my State." Around that revolved some of the issues of the last campaign. That called forth epithets. The question was not alone the free coinage of silver; it was whether law and order should be maintained in this country as enunciated by the President that you have inducted into power. Those are some of the reasons as to that portion of the case, to which I call the attention of the Senator from Nebraska.

Mr. ALLEN. I regret very much that my learned and very amiable friend from Washington [Mr. WILSON] should inject into this discussion an issue entirely foreign to the true issue. I had

said nothing about and I am not the defender of the Chicago platform; I am not responsible for it; but as to the remarks of the Senator from Washington concerning one of the issues which I suppose he intends to refer to in respect to the denunciation of the Supreme Court, while that did not occur in the Populist platform, and does not occur there, I fully and heartily approve of the Chicago platform upon that subject. If you will take the Republican platform of 1860, upon which Mr. Lincoln was elected, there never was a more vehement and open and bitter denunciation of the Supreme Court of the United States in all the history of this country than will be found right there. The Dred Scott decision is denounced; the court that rendered it is denounced, and, in my judgment, properly. I never expect to see the time during my life when, if I believe a public officer ought to be denounced, I shall be restrained from denouncing him anywhere. We arraign the President of the United States. He is arraigned here every day. He is a public servant; his acts as a public servant are open to criticism; they are open to the construction of those whose duty it may be to criticise them. Congress is arraigned; every branch of this Government is subject to arraignment. The first argument with every tyrant upon the face of the earth has been immunity from criticism. There never was a tyrant from the days of Nero down, and in fact preceding the age in which he lived, with whom the first step was not what was called official discretion, moving away from the true tenets and foundation of the government at will, and the next step was to claim immunity from criticism.

What is there about the Supreme Court of the United States which is different from any other organization? I suppose they are men of flesh and blood like other men and with frailties like other men. I do not suppose when a man goes upon the Supreme Bench of the United States that he becomes a paragon, or puts upon himself wings, or is not subject to just and reasonable criticism. All through the history of this country the Supreme Court has been criticised. Jefferson said—and he carried out his threat—that he would reorganize the Supreme Court in consequence of a decision made by it. Jackson did the same thing; and did reorganize that court. The Republican party in 1860 declared against the Dred Scott decision, which was, in my judgment, a perversion of the law; and that declaration found expression in its platform. The people repudiated Roger B. Taney and his associates and the decision made by them.

Two years ago the Supreme Court of the United States deliberately overturned five decisions upon the subject of the income tax. In 1789 they entered a judgment in the Hylton Case, holding an income tax to be constitutional. Five times after that, down to 1882, in the Springer Case, they held the same doctrine; but in 1895, after holding the act of 1894 constitutional in part, they had a rehearing—always a dangerous thing to litigants—and one judge, who had held with the majority but a month or two preceding that holding that act was constitutional in part, subsequently changed front, and held it unconstitutional throughout. Does any man say that that judge is not subject to arraignment? I say Mr. Justice Shiras owes it to the world to explain why he changed front so suddenly upon that subject. I do not say that his motives were not of the best. Upon that I say nothing, for I know nothing; but, Mr. President, the change was so radical and so extreme that he will go into history under a cloud unless he explains to the world the motives which actuated him in changing his position upon the income tax.

So it is not out of place for me to criticise the Supreme Court, and it was not out of place for the Chicago platform to arraign the Supreme Court as it did.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the subhead "Quapaws," on page 26, line 6, after the word "education," to insert "during the pleasure of the President;" and in line 11, after the word "dollars," to strike out:

That the allottees of land within the limits of the Quapaw Agency, Ind. T., are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased in the discretion of the Secretary upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed.

So as to make the clause read:

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500.

The amendment was agreed to.

The next amendment was, under the head of "Sioux of different tribes, including Santee Sioux of Nebraska," on page 32, line 14, to insert the following proviso:

Provided, That the Secretary, in his discretion, is authorized to pay said amount per head in money: *Provided further*, That it shall be the duty of the Secretary of the Interior hereafter to cause the actual delivery of the woolen clothing herein contemplated and contemplated in prior acts of Congress and treaties to the Sioux and Ponca Indians of Nebraska and North and South Dakota by the 1st day of November of the fiscal year for which such appropriations shall be made.

The amendment was agreed to.

The next amendment was, on page 33, line 9, after the word "dollars," to insert "of which amount $3,000 may be expended by the Secretary of the Interior for completing the artesian well at the Rosebud Indian Agency in South Dakota;" so as to make the clause read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement, ratified by act of Congress approved February 28, 1877, $900,000, of which amount $3,000 may be expended by the Secretary of the Interior for completing the artesian well at the Rosebud Indian Agency in South Dakota: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall have the preference in employment: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account.

The amendment was agreed to.

The next amendment was, under the subhead "Sisseton and Wahpeton Indians," on page 34, line 22, to insert the following proviso:

Provided, That the Sisseton and Wahpeton Indians are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years for farming or grazing purposes, and at the expiration of such lease, the same may be renewed or the lands leased to any other person upon said renewal or new lease being approved by the Secretary of the Interior.

Mr. JONES of Arkansas. I should like to ask the Senator in charge of the bill if there is any reason for holding the renewals of these leases subject to approval by the Secretary of the Interior, which would not apply to the original leases?

Mr. CHILTON. The bill seems to provide that the renewed leases may be made for a longer time.

Mr. JONES of Arkansas. I do not so understand it. It reads:

And, at the expiration of such lease, the same may be renewed or the lands leased to any other person upon said renewal or new lease being approved by the Secretary of the Interior.

Mr. CHILTON. The second lease seems to assume that the Indian may lease his land for a longer time than three years.

Mr. PETTIGREW. What was the question of the Senator from Arkansas?

Mr. JONES of Arkansas. I called attention to the amendment of the committee on page 34, where there is a provision that the Sisseton and Wahpeton Indians may be allowed to lease their lands; and after that the amendment says:

And, at the expiration of such lease, the same may be renewed or the lands leased to any other person upon said renewal or new lease being approved by the Secretary of the Interior.

I ask what reason there could be for requiring the approval of the Secretary of the Interior to the renewal of a lease that would not apply to the lease in the first instance?

Mr. PETTIGREW. The Sisseton and Wahpeton Indians have grazing and agricultural lands, but these are lands that are unimproved. One of the Indians appeared before the Committee on Appropriations and asked that this provision be made, for the reason that they found it impossible to lease these raw and unimproved lands and comply with the rules of the Department in relation thereto. For instance, the Department requires that a man shall give bond and that certain forms shall be pursued; that he shall get two bondsmen if he wishes to lease a piece of this Indian land; and they found it impossible to lease their unimproved lands and comply with these conditions. An Indian who had children would have for his allotment 160 acres of land and his children an allotment of 160 acres—more than he wants to cultivate, and he could secure compensation from some one who wants to cut hay or break up part of the land and put it under cultivation; but the rental is very small. If he could make the lease himself, we were satisfied that he could make something out of it and begin to improve the land. After the improvement is made, and the three years have elapsed, the land is under cultivation and becomes of value to lease. Then we hedge it about by conditions and provisions prescribed by the Department by requiring that the lease shall be approved by the Secretary of the Interior.

Mr. JONES of Arkansas. I can not understand why an Indian should be prohibited from making an improvident renewal of a lease while he may be allowed to make the lease in the first place without any sort of limitation.

Mr. PETTIGREW. As I said, these are absolutely raw lands, unimproved in any way. We were told that the Indians leased them for $25 a quarter section, perhaps, when improvements would be made of value, and so we thought the Department could try the experiment for three years as to these agricultural lands,

and if it did not work, we would abolish the system and abolish the practice; but the Indian who appeared before the committee is a full-blooded Sioux Indian, a graduate of Amherst College, a man of intelligence and ability, and he convinced the Committee on Appropriations that this is a wise and proper thing to do in the interest of those people. That is the reason why the committee reported to insert the provision in the bill. It seems to me it is reasonable and proper. The Indians had tried to lease these lands, but the people would not get bondsmen. It is difficult in that country to get people who can qualify, because the lands are occupied by homesteaders who have no fee title; they would not comply with the requirements of the Department, and therefore the lands were not leased at all; they get no revenue from them, and the lands are not improved. We thought it a matter of wisdom to allow the Indians to have three years without complying with the rules laid down by the Department, and after value had been given to the lands by improvements the leases should be approved by the Secretary of the Interior.

Mr. JONES of Arkansas. I understand the Senator to say that this provision was put in the bill at the recommendation of an Indian. I should like to ask the Senator what the Department says about it?

Mr. PETTIGREW. The Department was not called upon for an opinion. I am very familiar with these lands. This agency is located in my State. The Indian to whom I refer appeared before the Committee on Appropriations, and I think the sentiment of the committee was unanimous, and that every member of the committee agreed that the reason he gave was a good one and the purpose he wished to accomplish was a proper one.

Mr. JONES of Arkansas. Mr. President, I confess that the old story of the camel who got his nose in the meal first and the remainder of the camels coming afterwards, occurs to me as applicable to a case of this kind. Here is a proposition to allow these people, without any sort of supervision or care, to make leases of their lands, in the first place, to run for three years after persons get in possession of them. Then there is a provision that the renewal may be made on the approval of the Secretary of the Interior. Meantime, I presume, if the Secretary of the Interior does not approve the renewed lease, the occupant of the land will remain in possession of it indefinitely. It seems to me that would be the result of it. I think the approval of the Secretary of the Interior ought to apply to the leases as well as the renewals, and I move to amend the amendment in that way.

Mr. PETTIGREW. I hope that motion will not prevail. These lands are located where anyone can go to-day and take a homestead. All around these lands are lands which can be entered under the homestead law of the United States.

Mr. JONES of Arkansas. I do not approve of it, but I shall not occupy the attention of the Senate any further with objection.

Mr. PETTIGREW. If the Secretary of the Interior approves a lease, improvements can be made upon the land, and the result will be, if the leases are not made, that no improvements will be made and the Indians will derive no benefit from them,

Mr. JONES of Arkansas. This amendment does not require any bond, I understand, and I withdraw the amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations, which has been read.

The amendment was agreed to.

Mr. ALLEN. I was out of the Chamber for a moment when another provision was considered, and I now wish to call the attention of the Senator from South Dakota in charge of the bill to the amendment reported by the committee, on page 26, as to the Quapaw Reservation, and ask what was done with that amendment?

Mr. JONES of Arkansas. I intended to do that.

The PRESIDING OFFICER. The amendment referred to was agreed to.

Mr. ALLEN. I want to ask the Senator from South Dakota to make a change in that amendment now. The Senator is entirely right about the Wahpeton and Sisseton Indians. They are entirely competent to care for themselves as allottees, and the same thing is true with reference to the Quapaw Indians. The same principle which governs the rights of the Sissetons and Wahpetons to lease their lands applies with equal force to the Quapaws. There is no reason why the allottees on the Quapaw lands should not have the same right to lease their lands which the Sissetons and the Wahpetons have. The only difference between these lands is that the lands of the Sissetons and Wahpetons are some of the finest agricultural lands in Minnesota, and therefore in the United States, while much of the land of the Quapaws is of a mineral character. This bill, however, as it came from the House of Representatives, had ample safeguards for all these Indians and for all their rights.

The history of the Quapaw Indians is very brief, so far as their civilization is concerned. I have it here in a letter. These Indians were formerly known as the Peoria and Miami tribes, and lived for years in Indiana, Ohio, and Illinois in close contact with the civilization of those States. They finally moved to Kansas, and, after a time, to the present reservation in the Indian Territory. A great majority of them are of mixed blood, many of them almost white men. The same high state of civilization exists among those Indians which exists among the Sissetons and Wahpetons of Minnesota. They were made allottees of their lands years ago, and their lands are permitted to lie idle and bring them no revenue whatever, whereas, if the bill as it came from the House, as it originally stood, were permitted by the Senate to stand, they would have some benefit from their lands in the way of rentals. I ask the Senator from South Dakota to agree to make the Quapaws, the Sissetons, and the Wahpetons stand upon an exact equality.

Mr. PETTIGREW. Mr. President, the committee struck out the provision with regard to the Quapaws, for the reason that it was exceedingly broad; it was unlimited in its scope, and provided for a lease for ten years—not for three years, but for ten. It also provided:

That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability—

Which covers pretty nearly everything—

any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased in the discretion of the Secretary upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed.

We thought that the word "inability" should be stricken out, and that the provision should otherwise be hedged about with great care. We therefore determined, at least, to strike it out, and see if an understanding could not be secured in conference, which would more carefully guard the interests of those people. Of course, I know that many of the Quapaw Indians are as abundantly able to take care of themselves and manage their own affairs as are the other white people of the United States. The simple fact is that it is a rare thing to see an Indian who is not a white man among the Five Civilized Tribes or among the Miamis and Quapaws, who live in the northeastern corner of the Indian Territory. Those who come here have but little Indian blood in their veins, and are capable of managing their affairs, but there are a large number of Indians who are not capable of doing so; there are still Indians among those people, and it is their interests which we wish to guard and protect.

I am not opposed, and I think the committee is not opposed, to a provision which shall allow these Indians to lease, develop, and improve those lands, and explore the minerals under proper restrictions, but I think that provision can be made in conference to protect thoroughly the interests of the people who have secured leases, and also the interests of the Indians.

Mr. ALLEN. Mr. President, I am assured by the Senator from Colorado [Mr. TELLER] who is a member of the Committee on Appropriations that this amendment was simply to enable the committee to take the matter into conference and adjust it properly there; that there is no real hostility to permitting the Indians getting benefit out of their lands. With that view, I shall withdraw my suggestion, and let the amendment go.

Mr. TELLER. We hope in conference to make some changes in the form of the provision. We had no idea of preventing these Indians from getting proper revenue, but we thought the language employed was not exactly what it ought to be. Of course, if we did not make some amendment to it, we should have no control of it in conference. The committee were not hostile to the proposition laid down in that provision.

Mr. ALLEN. Just a word in explanation of my attitude toward this amendment. I could not see why the Sissetons and Wahpetons should be permitted to lease their land and the Quapaws be deprived of the like privilege; but the Senator from Colorado assuring me that the committee do not intend to do so, I withdraw my suggestion.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Spokanes," on page 35, line 10, before the word "machines," to strike out "thrashing" and insert "threshing."

The amendment was agreed to.

The next amendment was, on page 37, after line 3, to insert:

SOUTHERN UTES IN COLORADO.

For the erection of suitable agency buildings at Navajo Springs, Montezuma County, Colo., for the use of such Southern Ute Indians as have not elected to take allotments of land in severalty, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 37, after line 9, to insert:

The Secretary of the Interior is hereby directed to confer with the owners of the Montezuma Valley Canal, in the county of Montezuma and State of Colorado, or any other parties, for the purpose of securing by the Government water rights, or for the supply of so much water, or both, as he may deem necessary for the irrigation of that part of the Montezuma Valley lying within the boundaries of the Southern Ute Indian Reservation in said State, and for the domestic use of the Indians thereon; and he shall report to Congress at its next regular session the amount of water necessary to be secured for said purpose and the cost of the same, and such recommendations as he shall deem proper.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports," on page 41, line 2, before the word "Territory," to strike out "Indian" and insert "Oklahoma;" so as to make the clause read:

For support and civilization of the Kickapoo Indians in Oklahoma Territory, $5,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 20, to insert:

For purchase of seed and grain and for subsistence for the Ponca Indians in Nebraska, under direction of the Secretary of the Interior, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Support of schools," on page 45, line 16, after the word "dollars," to insert:

Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 40 per cent of the amount so used for the fiscal year 1895: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

So as to make the clause read:

SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,200,000, of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, etc.

Mr. LODGE. This amendment seems to me of the very greatest importance and to reverse entirely the policy agreed upon last year. I desire to discuss it, and I think it is a matter of such importance that there ought to be a quorum of the Senate present. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Daniel,	Mitchell, Wis.	Shoup,
Bacon,	Faulkner,	Morrill,	Smith,
Bate,	Frye,	Murphy,	Teller,
Blanchard,	Gallinger,	Pasco,	Tillman,
Brown,	Hawley,	Peffer,	Turpie,
Burrows,	Hoar,	Perkins,	Vilas,
Call,	Jones, Ark.	Pettigrew,	Walthall,
Cameron,	Lindsay,	Platt,	Wetmore,
Cannon,	Lodge,	Proctor,	White,
Chandler,	McBride,	Pugh,	Wilson.
Chilton,	McMillan,	Roach,	
Cockrell,	Mantle,	Sherman,	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

Mr. JONES of Arkansas. Will the Senator from Massachusetts yield to me for a moment? I desire to ask a question of the Senator from South Dakota about this matter before he opens the general question. In the first line of the proposed amendment there is a provision in these words:

Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska.

I should like to ask how $5,000 could be of any possible use in the education of Indians in Alaska, and what use is proposed to be made of this money?

Mr. TELLER. If the Senator from South Dakota will allow me, I think I can explain it. We make an appropriation of about $30,000 a year for education in Alaska, which includes both Indians and whites. About three years ago (I think this will be the third appropriation act) we put on this provision that $5,000 might be used in Alaska. It is used in connection with the $30,000 that had been appropriated for a number of years. The sum ought to have been very much larger. There is a great necessity for an increase of appropriations for the purpose of schools in Alaska, but it has been found difficult to increase the amount, and the friends of the schools for the Indians have been compelled to be content with this small sum.

Mr. GALLINGER. I ask the Senator if that is the entire amount that the Indians will get for education?

Mr. TELLER. The Senator did not listen to me, I think. I said that of the $30,000 some portion of it is used for the education of Indians. I do not know what particular portion is so used; but it is mainly for the Indians. It is practically an Indian appropriation. It comes in separately from this bill.

Mr. JONES of Arkansas. Will the Senator explain why, if this is intended to increase the appropriation for Indian education in Alaska, it was not included in the same provision with the other, making it $35,000 instead of $30,000?

Mr. TELLER. It came in this way, I suppose: Some three or four years ago I moved in committee that we take from this sum $10,000—that is my recollection—or $15,000, and the committee thought they could not afford to do that, and we compromised on $5,000. It does not make any difference whether it comes with the other or not. I do not think the $30,000 of which the Senator speaks is in this bill, but in the sundry civil bill.

Mr. JONES of Arkansas. I thought the appropriation for schools in Alaska was $50,000 instead of $30,000.

Mr. TELLER. It was $50,000 for some years. In a spirit of economy—if it were proper, I should say parsimony—the other House struck it down to $30,000. In addition to this, there ought to be an appropriation of at least $25,000 made for the schools in Alaska.

Mr. JONES of Arkansas. Then I understand from the Senator that this sum is really intended to be an additional appropriation for schools in Alaska, and it has been so used heretofore?

Mr. TELLER. It has been so used. It makes the appropriation for Alaska which comes in this bill and another bill $35,000.

Mr. GALLINGER. The same provision was in the last bill?

Mr. TELLER. Yes; and I believe in the bill before.

Mr. LODGE. Mr. President, the pending amendment entirely undoes the work of last year in regard to this matter. It will be remembered that there was a protracted discussion over the question of sectarian schools. The bill was taken back into conference no less than six times. The House stood very strongly for what it desired; there were many votes taken in the Senate on this question, and the minority, which favored the House view, was a large one. At last, to save the bill, a compromise was reached. That compromise appears in the law of last year, and it provided that if the appropriation for sectarian schools, or a portion of it, should be continued for one year, then further appropriations for sectarian schools should cease. That was the provision of the act. The law of last year also declared:

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Then followed the proviso, including the compromise which I have mentioned, in which it was arranged that this general declaration should go into the bill provided that the appropriations were to be continued for one year longer to certain sectarian schools. There never was a plainer understanding in the world.

Mr. PETTIGREW. Between whom?

Mr. LODGE. Between the Houses.

Mr. GALLINGER. It was expressed in the conference report.

Mr. LODGE. When it came up on the last conference report I took occasion to say:

I shall ask for a yea-and-nay vote on the whole report which cover these three amendments, because * * * the report substantially agrees to the Senate amendments to the House proposition in regard to sectarian schools. It reduces the time provided in the original Senate amendment from two years to one, but it practically leaves the whole matter open to be fought over again in the next Congress.

I did not think it would be fought over again in the present Congress, but I thought it might be brought up again in some future Congress.

Now, I ask the attention of the Senate to the reply of those Senators who were sustaining the report. The Senator in charge of the bill then, as now, the Senator from South Dakota [Mr. PETTIGREW], said:

The House recedes from its disagreement to the Senate amendment in regard to schools, with an amendment to it which makes the time for finally disposing of the question of sectarian contract schools July 1, 1897, instead of July 1, 1898, as provided in the Senate amendment.

If the English language is capable of a plainer statement than that, I should like to see it.

The Senator from Colorado [Mr. TELLER] then said, in answer to the objection which I made that the matter would be reopened:

We leave in the bill the declaration as to the policy of the Government to take charge of these schools in the future, so that it practically closes up the sectarian schools or the non-Government school after the 1st of July, 1897. I do not think it leaves it open for further controversy.

That is the language of the Senator from Colorado. On those statements the report was agreed to. The statement showing how the House looked upon this thing was made by the gentleman from New York in charge of the bill, in which he said that it had been discussed in the House and that a compromise had been arrived at. He ended by saying:

The declaration in reference to the discontinuance of schools after the end of the next fiscal year—

That is, July 1, 1897—

is the same as that in the report which was submitted last Saturday except a change in phraseology.

No, Mr. President; there was no misunderstanding with respect to the arrangement as finally made. The House had no misunderstanding when they passed the present bill. They sent this bill to us in exactly the form they were entitled to send it; that is, acting on the statements made here, made in conference, made in both Houses, that these sectarian appropriations were to end on the 1st of July, 1897. Now, here in the Senate back comes last year's amendment continuing these sectarian schools which we have solemnly declared by act of Congress it is the policy of the Government to end. Back comes this amendment creating them again, giving them 40 per cent of what they had, not last year, but

in 1895, so that there is a reduction of only 10 per cent in the amount given to sectarian schools. This is a revival, a reopening, of the whole question which I, in common, I think, with every other Senator and every Member of the House last year, believed had been entirely settled. It is brought here in absolute disregard of the declaration of the last act of Congress. It is brought here in absolute disregard of the statement that was then made. It was understood then perfectly that if this appropriation was continued for a year longer, this general policy would be accepted on all hands, and this disagreeable question would be finally removed from politics and from the discussion which it causes every year.

Now it is here again; here without the general statement of the bill last year; here without any reference to the House provision in the bill. The House has lived up to its agreement. It has proposed nothing new. It has left the thing just where it was left before. The great argument used last year was that if this sudden cutting off of the schools occurred it would be a terrible injury to their pupils, and in the name of those unfortunate Indian children who would thus be deprived of education the Senate agreed to the proposition and stood by the committee in its effort to have the appropriations continued for two years. The fight was made then on continuing them for two years. The House stood out with the utmost obstinacy, and the compromise was made finally on one year. There never was a plainer or fairer compromise made.

It is perfectly true, Mr. President, that we can not bind our successors; one Congress can not bind another; but surely our action of last year should have some effect in the same Congress. I believe that the House at least understand this question, and the bill they send here indicates that they mean to adhere to their policy, and I sincerely hope that the Senate will not reopen it. The policy of the Government was plainly declared in the act of last year, and that policy I regard as the true American policy, that we should make no appropriations for any sectarian schools. If the United States is to give education to the Indians, let it be education given with the public money, open to all, and under no sectarian charge. That is the policy of the States. It ought to be the policy of the United States. This question has dragged along from year to year, and gradually the sectarian appropriation has been pushed back until we reached the plain declaration in last year's law. Now it is revived in this amendment, which brings it all up again for discussion. I do not want to enter again into the question of sectarian schools, but I wish to call the attention of the Senate most emphatically to the nature and purposes of this amendment and to the way in which it contrasts with the declarations that were made here last year.

Mr. HAWLEY. Mr. President, the Senator from Massachusetts says this question has dragged along. So has everything. It was not settled last year. "Unsettled questions have no pity for the repose of mankind," as the old saying goes. So long as a question is not absolutely settled it is bound to come up. I have been looking over the provision here in italics, and I do not see that it differs in spirit from what we did last year. We were unwilling to leave any children anywhere without a chance to acquire an education, and we were unwilling to make so sudden a change in dropping church schools of any kind as to leave children utterly without an opportunity to be educated. To say that you would give nothing, not a cent, to a Catholic or a Baptist or a Methodist school which is flourishing would be to say you would not educate the children of that neighborhood, because nonsectarian schools can not be provided in a year, and the Government did not give money enough perhaps, or could not make proper arrangements. So, having in view the ultimate purpose, to relieve the Government from this complained-of connection with sectarian schools, we are aiming in this direction by the proposed legislation; for it only says:

Provided, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, etc.

That is all. The question is whether you will stop and leave a considerable number of children without any schools whatever.

Mr. LODGE. Will the Senator from Connecticut allow me to ask him a question?

Mr. HAWLEY. Certainly. Perhaps I can not answer it, though.

Mr. LODGE. The amendment which the Senator has been reading is identically the same as the amendment of last year, with one single exception. It leaves out the declaration of last year:

It is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Otherwise it is just the same as the provision of last year.

Mr. HAWLEY. That is a permanent declaration. It need not be affirmed every year.

Mr. LODGE. Very well.

Mr. HAWLEY. It is subject to exception. We can make an exception to it if we choose.

Mr. LODGE. Let me ask the Senator a question. The same argument he is making now he made last year, and others made it, that it is not right to leave Indian children without educational facilities.

Mr. HAWLEY. I continue to say so.

Mr. LODGE. Then the compromise was made with the understanding that in a year's time, running to the 1st of July, 1897, we would be able to do it; and both Houses and all parties agreed to that as a settlement.

Mr. HAWLEY. The hope and promise were that by this time we should have nonsectarian Government schools. We have not them. Still pursuing the original idea, I will not shut the doors of a single schoolhouse unless I can have another schoolhouse provided.

Mr. TELLER. I do not recall what I said about this matter last year, but I agree with the Senator from Connecticut. I supposed it would be a finality, and that by this year we could dispense with this debatable question. I supposed we would have facilities and appointments sufficient at all these places to take care of the Indian children. That, I believe, was the expectation of everyone on both sides of the Chamber who occupied different sides on the question—the friends of the particular appropriation and the opponents of it.

I am opposed to sectarian schools. I always have been. I made an effort some years ago, while in another department of the Government, to secure from the Government a sufficient amount of money to put all these children in Government schools. I failed to get it. I confess I thought it was better to have Indian children attend sectarian schools than to have them without school opportunities. So, finding that I could not secure a sufficient amount of money to carry on the schools in the name of the Government and of the Government alone, and charitable people being willing to help out the small appropriation that the legislative department was willing to make for that purpose, I encouraged the opening of schools in various sections of the country where otherwise there would have been none.

Last year we believed we had reached a point where the Government would take hold of this question and where the appropriation would be large enough to provide facilities for all the Indian children. We are assured now by the department of the Government which has this matter in charge that that is not the case; that there are not opportunities for all the Indian children who have been going to school to continue in the schools. We were met with the simple question, Shall we continue this arrangement another year, or shall we discontinue the schools? Shall we turn the children out, or shall we try it another year? So far as I am concerned, I would a great deal rather continue it one year, or two years, or three years, or any number of years, rather than that the children should not have an opportunity of education.

I believe that perhaps by another year we shall be in a better position. I may be mistaken; I do not want to make any promises if they are to be brought up against me, as this is. If the Senator from Massachusetts thinks that it is best to turn the children out, and if he can persuade the Senate to that opinion, the Senate will reject the pending amendment. Then there will be a large number of Indian children who will have no school opportunities whatever. If the Senator desires to reiterate the declaration of last year, which the committee did not think was necessary, because the committee thought that was a permanent declaration of policy, the committee certainly would have no objection to his doing so.

Mr. President, I admit that this is an ugly question. When it is presented a great many people do not seem to understand the difference between assistance on the part of the Government to sectarian schools in the land of the Indian in the far West and what it would be in the East in the case of a school for white people. I think the condition is very different. The principle is very different. I do not see any great harm, if the Government is too poor or too stingy—I do not care which—to educate the Indian children, to join some of the money with that of charitable people and have the sectarians who furnish the money in charge of the schools.

If the Senator from Massachusetts would direct his attention to securing a larger appropriation (and I do not know but that he would be as powerless to do that as the rest of us who have tried it), I should be glad to have his assistance in getting an appropriation sufficient to take charge of all the Indian children in the United States—of all the children—to take care of whom we recognize an obligation on our part in the way of education.

We have in Alaska a large number of Indians. They are not exactly the class of Indians we have provided for on the great Western plains. They are industrious, many of them hard-working Indians, and yet they have no facilities and no opportunity for schools. They are too poor to take care of and educate their own children. For the entire Territory of Alaska we have

appropriated for some years from thirty to thirty-five thousand dollars. A very large portion of the educational facilities in that country are now being provided by charitable people in the older sections of the country. We have at various places schools of great efficiency that are supported entirely by charitable work, and if we did not have them the Territory of Alaska, that great district, would be, I may say, without any efficient and valuable educational facilities, for the appropriation of $30,000 is not large enough.

I should be very glad if the Senator from Massachusetts could tell me how we could escape the dilemma that is brought to us; that is, whether we shall dismiss these children from the schools where they have been because they are sectarian, and let them run wild and wait for an appropriation, which he knows, as I know, is very difficult to get—not so difficult here as in some other places—or shall we provide that where there are no facilities and opportunities for the Government to educate them the Secretary of the Interior may, in his discretion, use some of this money for the purpose of continuing the schools? There is where we are brought.

I do not approve, I repeat, of sectarian schools. I should like to see this thing brought to a close as soon as it can be. Yet I do not myself feel inclined to vote to turn out of school the children who have been there and have perhaps just fairly commenced to acquire an education, and let them run wild, as I know they must run wild about an agency, for fear that some harm may come to the public good by their being taught in a sectarian school.

Mr. LODGE. I desire to say simply a word in reply to the Senator from Colorado, who is, I know, just as much opposed to the policy of sectarian schools as I am. It seems to me if the difficulty is in providing for the children, then the point on which we want to make our fight is the point of having an adequate appropriation. I for one will go with him to any extent that he, from his knowledge of the subject, desires, to get an appropriation large enough for the United States properly to educate every Indian child that is in any way within its care or keeping. Let us bring in that increased appropriation, and let the Senate make its fight for it. I think it is quite as likely to get that increased appropriation as to get the present amendment in favor of continuing the schools after the debate of last year. But, at all events, that is the true and honest way to do it. If the object of the present amendment is to see that no Indian children are turned loose without education, let us face the fact squarely and provide for it with an ample appropriation.

The Senator from Connecticut said that unsettled questions never were at rest. This question was settled last year by a declaration of policy, by a formal agreement and compromise between the Houses. Now it is reopened, and every year the same argument is made, that the children will be turned adrift if we do not make further appropriations for sectarian schools. Rather than do that, let us amend the bill to a sufficient extent to take care of them all, but let us live up to the policy declared last year.

I think the United States ought to take care of all the Indian children, and not suffer one of them to be turned loose. If that is the only interest involved, we can take care of the children with an adequate appropriation, and the Senator from Colorado will find, I am sure, that the Senate will stand by him with practical unanimity in favor of as large an appropriation as he sees fit to demand in order to provide adequate education for all Indian children.

Mr. TELLER. I will not be led into any reflection upon any other branch of the Government, but I would say to the Senator from Massachusetts that he probably has not had the opportunity to realize the difficulty in securing adequate appropriations that some of the rest of us have had. We can not secure at this time an appropriation sufficient to provide for these children. That should have been done last year, because the buildings are to be erected at the agencies before the children can be put to school. At the great distance at which many of them are from the centers of civilization, it is impossible to do that in several months. We are met with the simple proposition, Shall we let these children go out of school and remain out for another year, it may be for two or three years, or shall we make this temporary provision? I am quite in favor of cutting it off at the first opportunity possible, and I will join everybody in doing that; but I will not join anybody in an effort to turn these children out and give them no educational facilities whatever.

Mr. GALLINGER. Mr. President, in conjunction with the junior Senator from Massachusetts [Mr. LODGE] and the Senator from Connecticut [Mr. PLATT] on my right, I have on several former occasions occupied the attention of the Senate for a few minutes in the discussion of this matter. We made progress three years ago. We made some further progress two years ago, and last year we had the assurance that we had finally reached an agreement upon this question and that this vexed matter would be removed from discussion in the Halls of Congress. I confess that I had some doubts as to the settlement. I notice that the Senator from Massachusetts said in answer to the Senator from Colorado:

> It seems to me it does leave it open—

The Senator from Colorado had said it left it beyond controversy and it was absolutely settled, but the Senator from Massachusetts replied:

> It seems to me it does leave it open, but as it is impossible to get a separate vote on it, and we can only vote on concurring in the whole report, which is a final report, I shall not press the request for the yeas and nays.

In that discussion I made a similar observation, that in my judgment the only way to settle this question was to settle it absolutely, once and for all.

Now we are confronted with the same old proposition. The same old arguments are used, that if we do this thing we are going to wrong a large class of Indian children and deprive them of education; and the Senator from Connecticut [Mr. HAWLEY] talks to us about unsettled questions and the repose of nations. As I said on a former occasion, the very question that is before the Senate of the United States to-day was fought out to a finality in Holland more than three hundred and fifty years ago. It was fought out to a finality in the Empire of Great Britain not long after, and yet at the close of the nineteenth century, in the Senate of the United States, we are discussing the question whether we shall in this great free Republic separate church and state, something that the Anabaptists settled in Holland almost four hundred years ago.

Mr. HAWLEY. Will the Senator from New Hampshire permit me?

Mr. GALLINGER. Certainly.

Mr. HAWLEY. I was called out of the Chamber for a moment. I did not say that unsettled questions would remain troubling the peace of mankind forever, but while they were unsettled and they were liable to come up; and the Senator from Massachusetts said this question was always coming up before us, that it was coming up because it was not settled. I say in one sense it is settled now. Our future policy is determined by the practi ally unanimous declaration of last year, that we would separate the Government from the sectarian schools. But here is a plain, common-sense question now, not to be demagogued in any way.

Mr. GALLINGER. I did not yield for a speech from the Senator, especially when he talks about demagogy. I did not consent to yield for that kind of a speech.

Mr. HAWLEY. Then I will not take back the word "demagogy."

Mr. GALLINGER, Very well; let it remain.

Now, the Senator from Connecticut talks about this question not being settled. I agree that it is not settled. I, however, assert that it ought to be settled; that we had a solemn statement made in the Senate of the United States one year ago when we were discussing a conference report that it was settled, and settled forever; and that statement was made by Senators who are responsible for the amendment that is proposed to this bill to-day. I want to know how many centuries it is going to take to settle the question in this free Republic? We are already almost four hundred years behind the people of Holland. Long ago they settled the question that church and state should be divorced. It seems to me that we have progressed far enough in civilization in this country, that we have progressed far enough in the discussion of the great questions that concern the welfare of our people, to come to a definite conclusion in regard to a matter of this kind. When is it going to be settled?

The proposition here to-day in this amendment is that we shall appropriate 40 per cent of the money that was expended in 1895. In 1895 we appropriated 50 per cent of the money that was expended in 1894. It seems to me there is no probability that in my lifetime, certainly not during the term of service to which I was recently elected to the Senate, that I shall have the privilege of seeing a settlement of this great question which disturbs the repose of nations. It is time it were settled; and I submit to the Senate of the United States to-day that we should follow the lead of the House of Representatives in this matter. The House of Representatives had all the information from the Interior Department that the committee of the Senate possibly can have; and yet the House of Representatives inserted in the bill a provision in direct conformity to the declaration which was made here when we voted upon that conference report one year ago, and agreed to it, those who were opposed to this principle and those who were in favor of it.

Mr. President, I do not want to go into these matters in this discussion, but I want to say that every church in the United States but one refuses to take this money from the Government of the United States. They recognize the fact that this is a great principle.

Mr. ALLEN. Will the Senator be kind enough to state what church that is?

Mr. GALLINGER. The Roman Catholic Church. I have no

concealments about this matter. In saying that I do not mean to arraign that church. There is very much in its methods that I approve of. I do not mean to arraign it. I state a fact historical in its nature when I say that every church in the United States but one to-day refuses to accept donations from the Government of the United States for the purpose of sectarian education, and if we continue to make appropriations from the public funds, taxing the whole people of the United States for this purpose, we are not doing what we ought to do; we are simply making a church subsidy and nothing else. That is all there is to the question.

I have an interest in these Indian children. I do not want to see them turned out in the cold. I do not want to see them deprived of education. But we have been legislating and arbitrating and considering this Indian question almost from time immemorial, and it is time that on a great fundamental proposition, such as is involved in this question, the Congress of the United States should settle upon the policy it is to pursue, and having settled upon that policy, it should pursue it, even though some wrong may be done to a few Indian children in the territory of this great Republic.

I do not care to discuss the matter further. If the Senate wishes to insist upon this amendment, if the Senate wishes to turn the hands back on the dial; if the Senate insists upon having this great free Government pursue legislation on lines that no other civilized government on the face of the earth, so far as I know, is responsible for, I do not know that I shall very seriously complain. But I want to put myself on record to-day, as I have put myself on record in the past, as being absolutely and irrevocably and eternally opposed to voting one dollar out of the Treasury of the United States for the purpose of education in sectarian or religious schools of this great country.

Mr. HAWLEY. Mr. President, when I used the term "demagogy," a few minutes ago, just as I was going out of the Chamber, I had in my mind nobody in the Senate, or anything of the sort, but I referred to the loose talk that goes on wherever persons are found who make trade on race prejudice, or church prejudice, and all that sort of thing, to the very great dissatisfaction of our people. What I wanted to emphasize was that we have an established policy, which requires this year a little letting up before we perfect it, so that a large number of children shall not be turned out of school.

I am not a Catholic, and yet I should have a great contempt for myself if, as a public man, I went about constantly condemning them. I have nothing to say about their belief; it is theirs—honestly held by an immense number of people—and it is a church of magnificent organization and executive power.

Now, we prefer, and all our Protestant people prefer, that the schools shall be separated from the churches. We have declared that we shall do so, but we were a little merciful about it at that very same time, permitting a child to learn to read under a Catholic priest for a little while until we can get him another place. That is all this bill proposes, that we shall not turn the Indian children out of doors, and meantime we shall make an effort to establish nonsectarian schools. I never had such strong prejudices against the Catholic schools that I would not rather see my child going to one of them to learn to read and write than wandering about the streets in bad company and growing up a dirty, ignorant loafer.

Mr. PLATT. I should like to make one inquiry. I inquire whether there was or was not provision made in the Indian appropriation bill of last year which looked to the doing away of the contract system and the substitution of Government schools during the year, before July, 1897? I should like to inquire whether we made that provision, or whether we failed to make it?

Mr. PETTIGREW. Mr. President, we undertook to make that provision; but I stated on the floor at that time that the amount appropriated was not sufficient, and that it would not accomplish the object. The Senate, however, disagreed with me, and refused to grant the amount necessary to accomplish the object; but the object would not have been accomplished if we had appropriated a sufficient amount. Two schools were provided for in my State the construction of which has not been commenced, and the contracts are not let. The Department ever since last June, when the last Indian appropriation bill passed, has been preparing plans and considering the question, and the schools will be ready about a year from next July, judging from the speed already made. Therefore no provision whatever is made for children that it was intended should be taken care of by these two schools provided for in the bill of last year; and so it will be now. You may appropriate a million dollars more than is provided in this bill, and those children will not be provided for for the next school year, because the Department will not get around to erect the buildings so as to take care of them.

Mr. ALLEN. Will the Senator permit me to ask him if there is anything in this amendment hostile to the policy we established in the Indian appropriation bill of last year?

Mr. PETTIGREW. Not at all. Last year the House of Representatives made no provision for the sectarian or contract schools. The Senate committee said that we would make provision for two years more, for last year and for the year to come, and the Senate agreed with the committee; but the matter went into conference, the House conferees refused to agree, and after many conferences the House finally did agree to one year as a compromise.

I am not aware of entering into any agreement. I would not when the bill came up this year undertake to take care of those children. We adopted many years ago the policy of educating the Indian children in the contract schools.

Mr. FAULKNER. I would ask the Senator from South Dakota, with his permission, whether last year it was not deliberately considered by the Committee on Appropriations that we could not possibly stop this appropriation for two years, and for that reason the amendment was inserted in the appropriation bill of last year as it came from the committee, doing away with all these appropriations after two years from that time, and it was only by reason of the resistance to the bill in the other House that a compromise was at last effected of extending the appropriation for one year, and it was known then that it could not be stopped under two years?

Mr. PETTIGREW. That was the distinct understanding.

As I started to say, many years ago the Interior Department sent out circulars and specially invited the religious denominations of this country to take charge of the education of the Indian children and agree to contracts and build schools for this purpose.

Mr. WHITE. Will the Senator permit me to ask him a question?

Mr. PETTIGREW. Certainly.

Mr. WHITE. When was that done—under what Administration? Was it not under President Grant's Administration?

Mr. PETTIGREW. It was commenced, I think, under Grant's Administration, but very much enlarged under Hayes's Administration, and continued and increased under Garfield's Administration. During the first two Administrations after we had adopted this policy not a single Catholic school was engaged in the education of the Indian children. The Protestant churches of this country commenced this policy. The Protestant churches built the first Indian contract school; but, Mr. President, in 1880 we made the first provision for contracts for the education of these children in schools under the control of the Catholic Church. The Catholics were enterprising, and by 1885 they were getting three-quarters of the appropriations, because they had built the schools at the invitation of the Government, and then it was that we began to hear the cry that there should be no sectarian education; then it was that the clamor arose to abolish sectarian education for the Indian children, and it has continued until this time.

I am opposed to sectarian education, Mr. President, but I believe in doing what is just and fair and right, and I believe that these people should have sufficient time to raise money enough to sustain and maintain their schools without appropriations by the Government.

We have done pretty well. Last year we appropriated but 50 per cent of the appropriation of 1895, and this year we appropriate but 40 per cent of the appropriation of 1895. For every $100,000 that we appropriated in 1895 this year we appropriate $40,000. It looks to me as though we were approaching the end. There can be no question about that. But in the meantime, if we do not make this provision, thousands of Indian children will be unprovided for. There is one school in my State where there are 150 Indian children. There is no other school where they can be taken care of for hundreds of miles. Shall we turn them out? Shall we break up the start they have already made? It seems to me it is not the part of wisdom. It seems to me the policy should be to decrease this appropriation year by year, and so enable these church organizations to provide the funds for taking care of the schools.

Mr. WILSON. May I ask the Senator from South Dakota a question right on that point?

Mr. PETTIGREW. Certainly.

Mr. WILSON. Was it not the agreement in the Fifty-second and the Fifty-third Congresses that a gradual reduction of 20 per cent a year would be made in the appropriations for the sectarian schools, thus closing all the sectarian schools in five years?

Mr. GALLINGER. That is right.

Mr. PETTIGREW. Certainly; but the House of Representatives last year, without waiting to carry out that tacit understanding, struck it all off. It would have required, if that policy had been carried out, not only that this appropriation should be made, but that another should be made a year from now, and then the five years would have expired. The only agreement I know of was the agreement that the appropriation should be gradually wiped out, and that at the end of five years, 20 per cent each year. The people who violated that agreement are the people who contend against this provision of the bill in this body and in the other.

Mr. President, I am well aware that we have an Indian Rights Association, organized, I suppose, to protect the Indians of this country. One of its most active centers is located in the State of Massachusetts. They are very solicitous about the rights and privileges of the Indians, terribly anxious; and along with the same idea cherished by their ancestors, the people of Massachusetts are particular about the religious belief of the Indians they favor. Miles Standish, when he assassinated his victims, and was therefore made a saint by the Pilgrims of Massachusetts, expressed no regret, and the Reverend Robinson declared that we must take into consideration the hot temper of the little captain, and stated that his only regret was that he did not stay alive until he could be converted.

So this association to-day is anxious about the rights and privileges of the Indians; yet because those Indians happened to believe the doctrines of the Catholic Church, they would drive them from the schools, turn them loose on the prairies, and make no provision for them whatever. Oh, Mr. President, I am tired of the contemptible hypocrisy of the Indian Rights Association. I am sorry that it finds representation on this floor. Whilst it may contain many philanthropic and excellent people, its affairs are controlled and directed by persons who have no respect not only for the interests of the Indians, but in many cases for truth itself.

Mr. GALLINGER. Mr. President, I do not feel called upon to defend, certainly not with more than a very few words, the Indian Rights Association of the United States. The Senator's language will go to the world, and the Senator will be judged by the expressions he has made in this Chamber concerning that great benevolent association. They may have made mistakes, but that those men have any other purpose in their hearts and minds than the amelioration of the condition of the Indian people of this country is not a subject that ought to be in controversy to-day, and I think the Senator from South Dakota in charge of this bill, familiar, as he necessarily is, with this subject, and entertaining, as doubtless he does, a contempt for the opinions of those of us who do not happen to dwell in the immediate vicinity of Indian tribes, will further his cause and the purpose he has in view to a much greater extent by treating with greater courtesy and respect a great association like the Indian Rights Association than by denouncing it in such bitter and unjustifiable language.

But, Mr. President, I have been present during the consideration of the Indian appropriation bill every year for several years, and I have heard to-day for the first time a contention that we ought to increase the appropriation for Indian schools. I have, if I remember correctly, never seen a proposed amendment to the amount that the House of Representatives gives for this purpose added to this bill by the Senator from South Dakota since he has had charge of it. If it is necessary for us to have a larger appropriation for this purpose—and I can see that that may be true—why does not the Senator, instead of engaging in a reactionary measure, turning back civilization itself in reference to this question, come in here with a proposition to increase this appropriation to an amount whereby the Government can take care of these Indian children? If he does that, I am sure he will find every man who has some sympathy for the Indian Rights Association ready to join with him in voting that appropriation and insisting that it shall be kept in the Indian appropriation bill.

If it shall be determined by a vote of the Senate that this amendment shall stay in the bill, I propose, at the proper time, to reenact the declaration that was in the last Indian appropriation bill, because I think it is desirable, in view of this discussion, that it should be reenacted—that it is the settled policy of the Government that hereafter no appropriation whatever shall be made to any sectarian school for education, just as we did last year. That was our declaration then. We violated it. Let us reenact it, and see whether we shall violate it again. I shall, when the proper time comes, if this amendment does not go out of this bill, offer a proviso to the effect that all appropriations for the education of Indian children in sectarian schools shall absolutely cease at the close of the fiscal year ending June 30, 1898. Then we shall see whether those Senators who are as anxious as we are, according to their declarations, to bring this matter to an end, are ready to put themselves on record, put that provision in the bill, and stop this matter.

Mr. President, that is all I care about it. So far as I am concerned, I am ready to take a vote on this question. I shall vote one way; my friend from South Dakota will vote the other, and he and I, good friends as we are, will gracefully yield to whatever the verdict of the Senate may be on this great question.

Mr. WILSON. I should like to have the Senator answer a question before he takes his seat.

Mr. GALLINGER. Certainly.

Mr. WILSON. I desire to ask the Senator from New Hampshire if it is not a fact that we have spent since he has been in public service probably $15,000,000 for the education of Indians?

Mr. GALLINGER. I should think that that was not an overstatement, though I have not made an exact computation regarding it.

Mr. WILSON. I do not think that that is an overstatement, and I doubt if we have ever succeeded in educating one.

Mr. GALLINGER. I am inclined to think the Senator from Washington is pretty nearly right in that statement.

Mr. WILSON. I have seen a great many Indians, I expect as many as any Senator on this floor with the exception of the Senator from South Dakota [Mr. PETTIGREW], and I have yet to see a single Indian to whom the educational system that has grown up and crept up here has been of the slightest advantage. I may be mistaken about it; I may be in error about it; but we have spent about $15,000,000, and every Indian we have sent to school, after he has got a little smattering of an education, has gone back to the breechclout and blanket. I do not believe, unless you discover some system by which and through which you can elevate the whole tribe at the same time, you are ever going to accomplish very much in attempting to educate a class of people who still remain in the stone age.

Mr. ALLISON. The Senator from New Hampshire [Mr. GALLINGER] suggests that he will offer the provision on this subject which is found in the Indian appropriation act of last year as an amendment. When the Committee on Appropriations considered this question, they did not intend in any way to interfere with the legislation of the last year or to change it in any manner except to extend the limitation one year. It was stated to us by the Commissioner of Indian Affairs that he thought it doubtful whether, during the fiscal year 1897, there would be sufficient and ample provision for the maintenance of the Indian children at the Government schools. It was because of that statement that we provided in this bill for an extension of the provision respecting these schools during the fiscal year 1898, not understanding in the committee that this provision was to extend beyond that time, but that certainly during the fiscal year 1898 there would be provision made in the Government schools for the Indian children, who could be made available for education in those schools. That, I believe, was the universal understanding of the Committee on Appropriations when this provision was made, that it should be extended for one year, instead of expiring on the 1st day of July, 1897, because the Commissioner of Indian Affairs said that by the 1st of July, 1897, he was not certain that he would have sufficient school facilities to enable him to take care of those children. So I have no objection to the amendment suggested by the Senator from New Hampshire, as it was the understanding of the committee that the provision in the act of 1897 was not to be an appropriation provision, but that it was a legislative provision, binding upon Congress and upon the appropriation respecting these Indian schools.

Mr. PALMER. Mr. President, education, mere letters, as the Senator from Washington [Mr. WILSON] intimates, does not necessarily improve the morals of men. It is more important to this Senate, with respect to its own dignity and a proper appreciation of itself, that this legislation shall be in harmony with enlightened public sentiment than that there should be any special provision for the Indians. That they should be taught to read and write and that such other literary education as may be conferred upon them should be conferred is clear. But the particular point to which I want to call attention is in the proviso to be found in line 20, on page 45, and I shall at the proper time move to strike out those words:

Provided, That the Secretary of the Interior may make contracts with contract schools—

The words I shall move to strike out are:

apportioning as near as may be the amount so contracted for among schools of various denominations.

I shall also move to strike out all after the word "children," in line 25, on page 45, which will include all of the amendment on page 46.

Mr. President, there is something profoundly humiliating to me that there should be a controversy here over these mere disputes or over these mere denominational claims. Religious people who belong to special denominations have exerted themselves to extend instruction to the Indians. They have sought to subject the Indians to Christian influences; they have sought to make them better men and better women; they have sought to improve their condition. In some respects the Catholics have been the most forward and have been successful; in others the Methodists, the Presbyterians, the Baptists, and the Quakers have exerted themselves with respect to particular tribes, and have accomplished great good.

Why should this Senate permit itself to engage in or to inquire into this miserable question of denominational control? The clause authorizes the Secretary of the Interior, "for support of Indian day and industrial schools"—I read the whole clause:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,200,000, of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children.

If I had my way about it, the whole provision would be modified to that extent. I regard the efforts of the churches, of religious people who are attached to churches, as being eminently praiseworthy. As the Senator from Washington intimates, while they have not made these Indian people absolutely perfect, as perhaps Christianity has not made us as perfect as we should be, while they have not succeeded to the full extent of the desires of the good people who have established these schools and have been pioneers in this work, and where they have established schools, in many instances Catholic schools, Presbyterian schools, Baptist schools, Methodist schools, Quaker schools—I say where they have as pioneers in this work accomplished so much good as they have, why should not those schools be employed as the agencies by which these efforts for the benefit of the Indians should still be carried on?

My own feelings are that the good men and the good women who have been the pioneers in this work and who have carried it on until this time should not be abandoned by the Government. Some of us propose to take what they have done, and propose to decline to assist them further in this most praiseworthy work. Why should it be done? Why should not the Secretary of the Interior be permitted to make contracts with such schools as exist, such schools as can accomplish the purposes of the Government? Why should not that be done, and why should the condition be imposed upon the Secretary of the Interior of dividing the amount between the various different denominations as best he can, as if the Senate was at all interested in this denominational question? I suppose, Mr. President, that the proper thing to do is to avail ourselves of the very best facilities within our reach and prosecute the education of those people who are now so nearly extinct, and avail ourselves of every agency that may be found at hand.

Mr. LODGE. Mr. President, I only wish to say a single word in justification of the Indian Rights Association, which is a great benevolent and charitable organization. I have never heard one single word from them or from anybody connected with them in regard to sectarian schools, and I have not the slightest idea what their opinion is about it. I have opposed appropriations for sectarian schools ever since I have been in Congress in either branch, which is now nine or ten years, but without any reference whatever to the Indian Rights Association.

Mr. GALLINGER. Will the Senator from Massachusetts allow me? I wish to say in the same line that no member of the Indian Rights Association (and the country has known my attitude on this question) has ever written or spoken to me in regard to the matter.

Mr. LODGE. I do not think they have taken any part in the discussion. Although many of them have the misfortune to live in the Eastern part of the country, they have a perfect right to discuss affairs of general interest, and they do not feel that the right to discuss the Indian question is confined to the inhabitants of South Dakota. I think it is wholly right that they should take an interest in the Indians, and all I wished now was to relieve them from any responsibility whatever for what I have said in the matter of the sectarian schools.

I have opposed appropriations for sectarian schools ever since I have been in public life, because I did not believe that I had the right to tax another man to support my profession of faith or my church, and I do not think anyone has the right to tax me to support his. I think that is a pretty simple general proposition on which all Americans, so far as I know, agree, or ought to if they do not. The Constitution has something to say about it in one of the articles of amendment. I believe it is a mistake to appropriate the public money for the benefit of any sect. Of course, all the denominational schools for the Indians but one ceased to receive public money some time ago, as I think everybody knows except the Senator from Illinois [Mr. PALMER] who has just been talking about them.

There is only one church, if I am correctly informed, which now receives public money for its schools, but that does not affect the argument. I do not think we ought to appropriate money for the Presbyterian schools of the country. I do not think we ought to appropriate it for the Episcopal schools. I do not think we ought to appropriate it for the schools of the great Methodist Church, including in its membership so large a proportion of the inhabitants of the United States. I do not think we ought to appropriate it for Baptist schools. I pause here. I wait for some Senator to rise and tell me now that I am attacking those sects which I have named. I want to hear it said. I want to see an exhibition of that sensitiveness which has been displayed on this subject shown now when I name those great Protestant sects. I say that I do not think we ought to appropriate money for their schools. No one criticises me for the statement I have just made.

But, Mr. President, when I say that we ought not to appropriate money for the only church which now receives the Government money for these schools, then I am subjected to the remark of the Senator from Connecticut that I am attacking in a spirit of demagogy a Christian church. I no more attack the Roman Catholic Church than I attack the Baptist Church, or the Presbyterian Church, or the Episcopal Church, or the Methodist Church, or any that I have named. I say no sect, as such, should receive Government money, and I say it because I believe in that broad principle. I am not to be deterred from saying it by the outcry that I am illiberal. If the only sect that happens to take that money is the Roman Catholic, I am very sorry that my remarks should apply to it alone, but I can not help it. The principle applies to all sects. It is not the business of the Government to appropriate money for sectarian purposes. That principle is embodied in many of the State constitutions. I have always stood on that principle, and I trust I always shall. It is for that reason that I have opposed these appropriations ever since I have had the honor to have a seat in either House. It is not that I pretend to any special knowledge of the Indians. It is not because I care what the Indian's faith is. I quarrel with no man's creed and with no man's conscience. I have no criticism to make of a man's belief. I stand simply on the broad principle—which I think is unquestionably sound—that we have no right, representing as we do all shades of Christian belief, all sects, and all churches, to draw any distinction among them. We have no right to take one man's money and give it to the support of another man's faith. If we want to educate the Indians, let us appropriate money and do it by Government schools, but do not let us appropriate the public money and give it to a sect among the citizens of the United States.

I am quite content to stand on that ground. I have no feeling of illiberality toward any sect. I have no desire to attack any man's creed. I have not reflected on a single branch of the Christian church. I do not question for one moment that all branches of that church have done good and useful work for the Indians. But I say that when we are appropriating the public money, contributed by men of all sects and all creeds, we have no right to give it to one sect or to a half dozen sects or to twenty sects which shall be picked out here or by the Secretary of the Interior. The public money must be spent only for public purposes, in which all Americans share, without any distinction of creed or religion.

Mr. TELLER. Mr. President, I do not care to discuss the question which the Senator has just been debating. We determined last year the policy of the Government touching these schools. We are about to declare it again, I understand, because there is no opposition to the amendment of the Senator from New Hampshire.

I should like to say, however, that there is no particular relation between the subject of Indian schools, and the relation which the Government bears toward those schools that we call contract schools, and the great question whether the education of the Indian youth of the country should proceed upon general lines under the control of the State or whether we should assist the sectarian bodies by taxation and appropriation in carrying on their schools. There is not the slightest relation between them. The principle is not involved at all. I am opposed to the Government appropriating money for contract schools, for the reason that I believe the Government is better able to take care of the schools than is anybody else. I have advocated that for many years.

The Senator from Massachusetts tells us that the great religious denominations have abandoned their effort to educate the Indians. I am very thankful that is not the case. They have not left to the great Catholic Church the education of the Indians. There are numbers of schools in this country supported by Presbyterians and by Episcopalians and by Methodists which are engaged in teaching the Indians the ways of civilization and Christianity. It is true they have retired from receiving appropriations from the General Government, and very rightly, too. None of the Protestant churches, as I understand, now receives such appropriation. They voluntarily decline to receive it. But that has all been done in the last three or four years. Up to that time they received their proper share or all they could get, and when some years ago it became my duty to administer this branch of the public affairs I found that the Protestant churches were receiving the great proportion. Almost all of the Government money that went into contract schools went into their schools. But in a very short time the Catholic Church, with the enterprise that has ever marked its course in the West, took hold of the educational question. It outran all the others, and got, I believe, a great deal more than all the Protestant churches put together.

However, I will not discuss that question. I could not allow the statement made by the Senator from Washington to go without a protest, especially as the Senator from New Hampshire gave his unqualified assent to that rather remarkable assertion. The Senator from Washington said, in substance, that we have spent twelve or fifteen million dollars in the education of Indian children, and that we have not educated any. Mr. President, there never was a greater mistake in the world. I do not know how fortunate we have been in teaching the Indians of Washington and the Pacific Coast and that immediate section; but I do know that, while we have not had quite the success with the Indians in

many directions that we had hoped for, yet there has been a wonderful improvement in the Indians, and I do not believe it can be honestly said that the great sum of money, $15,000,000 it may be, has been misappropriated. Some of it has been wasted. Some of it has been lost. That is true of all payments to any class of people.

Mr. HOAR. May I ask the Senator from Colorado a question at this point?

Mr. TELLER. Certainly.

Mr. HOAR. Is it not true that a very considerable portion of the $15,000,000 was expended in compliance with treaties, by which we obtained large and valuable grants from the Indians? For instance, the Sioux treaty which was conducted by the Senator from Iowa. The Government engaged to make certain expenditures for the education of the Indian children. So it is not entirely a tax on the people of the United States, but it is giving compensation for lands which we have acquired.

Mr. TELLER. That is true. In nearly all of our treaties with the Indians by which land has been ceded to us we have provided for the education of the Indian children. A great portion of the appropriations made in this bill are made in accordance with treaty stipulations in consideration of the cession of their lands to us, lands that we are selling, in some instances, to the people of the United States for a great deal more than we paid the Indians therefor, and in most instances, where the land is not taken by homestead settlers, it brings more.

The education of the Indian has been pursued under some difficulties. It has been pursued under difficulties because we did not have a sufficient amount of money. If we could have put in schools at one time all the Indian children, we would have done a great deal better than by the course which we have pursued, to take a small percentage and put them in school and try to educate them. When they went back to the tribe, they went into a barbarous community; but it is not true that they have all gone back to the breechcloth and the blanket. The Senator says he has seen more Indians than anybody else except the Senator from South Dakota. The Senator from Washington has been seeing the Indians for the last twelve or fifteen years, and I have been seeing them for nearly forty. I have come in closer contact with Indians than nearly anybody else in this country. I have seen the time when they were a good deal too near to me and when I would have been glad to have had them at a greater distance.

Mr. PETTIGREW. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. PETTIGREW. In connection with the statement of the Senator from Washington, that there are no Indians who have been educated, I wish to state that there is in the gallery at the present time a full-blooded Sioux Indian who is a graduate of Hamilton College, who is a graduate of the Boston Medical College, and who is a gentleman in every respect. There are hundreds of Sioux boys who are educated, who are becoming most excellent citizens, and who are gentlemen in their habits and conduct.

Mr. TELLER. I should like to say that I have myself come in contact with hundreds of them. I have seen them in every section of the Western country pretty nearly, and, while a good many of them have not accomplished what we hoped, yet the work has been going on successfully, and we are gradually and steadily, and I think as rapidly as we ought to expect under the circumstances, lifting up these nations and putting them in a position to take care of themselves and to become eventually respectable members of society.

Mr. President, I have had as much opportunity perhaps to come in contact with this race as most men have. I appreciate all their good traits and I am familiar with all their evil ones, and I do not like to remain silent when a statement is made which will discourage the people who are making an effort to do something for the Indians. The Indian problem will eventually settle itself, and that, too, very speedily, if we continue to give the Indian children an opportunity to secure an education. I admit that we have pursued a very foolish course. We said that it would not do to bring the wild men of this country in contact with civilization and Christianity, and we have isolated them on their reservations, we have kept them away from civilization, and we have kept them away from schools. We have given them no inducement to progress and grow better. Yet nearly all of us are inclined to say that forty or fifty years have gone by and they are no better than they were. Why should they be better, if they are kept on their reservations, where the only civilized men they see are the Indian agent and a few employees around the agency—and they are not always of the very best class of society either?

Mr. HOAR. Mr. President, I think it ought to be said in this connection, what every Senator knows, but if this debate is read elsewhere the statement ought to be made that the matter of the sectarian schools came about in the most natural way without a thought of preferring any religious body at the expense of any other.

When General Grant came into the office of President he found the Indian service in a very bad way. Of course the country had been attending to other things connected with the war and reconstruction, and there were great complaints of the character of the Indian agents and the teachers of the Indian schools and of the whole administration of the Indian service. It was said to be corrupt and wasteful, and that we were unable to command men of suitable character and capacity for the service which was required. General Grant himself hit upon a scheme. It was his own plan, and one on which he prided himself very much. He said, "I will take these schools, and wherever I can make an arrangement I will give them into the charge of some religious body. They shall suggest an Indian agent and an Indian teacher, and I will have them employed; and I will get rid of the idea of having the reckless and worthless men who get around the appointing power provided for at the Government expense and at the expense of the Indians."

The religious bodies to which General Grant made the suggestion accepted it. Some of them accepted it very reluctantly. I know that the religious communion with which I am associated undertook with great reluctance the duty of finding suitable persons for these places, so far as they were assigned to them. The matter went on without a thought of sectarianism or of competition between sects or the desire of one sect to get the advantage of another, or of anything like propagating a special sectarian creed. But at last, as the religious bodies had got accustomed to this thing, a rivalry grew up. Sometimes they got too near each other, and the same thing which occurs in populous towns and cities occurred. Religious controversies sprang up about dealing with the Indians, and it turned out that it did not work well.

If President Grant had foreseen what has taken place, he probably would never have entered upon the experiment. He was, as is known, a member of the great Methodist denomination, and one of the last men in the world to desire to do anything to propagate what is distinctive in Catholicism as separate from Protestantism. When the public attention became aroused, and it was found that the religious denominations were getting jealous of each other and were pressing upon the Secretary of the Interior and the Commissioner of Indian Affairs and upon the officer who has special charge of Indian education for particular advantages, were insisting that they and not the Government should determine the question of the appointment or removal of public officers, the policy was dropped with as general consent as it was originally established. When General Grant made the proposition, it was hailed with approbation all over the country, and this result was not then anticipated by him or by anybody else.

Now, all that we had to do when we found that complaint and jealousy were arising among different religious sects was to carry out the constitutional principle which my colleague has invoked, to discontinue the policy as rapidly as it could be done with justice to the Indians and the parties with whom we had contracts, and as rapidly as it could be done consistently with providing substitute agencies.

I have always voted and always expect to vote for declarations like that advocated by the Senator from New Hampshire whenever they are proposed, reaffirming the old constitutional policy that there shall be no public money provided for sectarian purposes, and to get rid of this plan as soon as we can without a gap or interruption in the Indian education. Upon the question how much we must keep of the old plan until we have the new one in operation, I have followed and expect to follow the Committee on Indian Affairs. Of course no member of the Senate can investigate for himself the detail of the condition of every Indian school on every reservation in the country.

Therefore I have made this statement, not because it is necessary for the Senate, but because some very worthy and enthusiastic persons of various religious opinions in the country seem to misunderstand the matter. Some are in a great hurry to have the reform accomplished, and others regard the attempt to accomplish the reform as an open or covert attack upon their particular form of religious faith.

The great Catholic Church especially stands for, and, in this country, must live by, the constitutional right that all Christian bodies must stand on entire equality before the law, and, so far as I understand the declarations of their leaders, their great authorities, they recognize that policy. I heard the eminent pulpit orator who has just been called to the head of the great Catholic University at Washington, an honored and esteemed fellow-citizen of my own, state in his farewell address to the people of Worcester, where he had been living twenty-five years, his devotion to the principles of the Constitution of the United States. He said he owed his right to be a Catholic and his right to advocate the religious faith which he held to the humane and just provisions of the Constitution of the United States, which declares all Christian bodies to be on an equality. He asked for nothing more for himself nor for his church; that he expected to be content with nothing less. The utterance which he made of a lofty desire that all Christians should stand on an equality before the law, both in its administration and in its original enactment, would have answered for the

utterance of any body of Christians or any body of religious thinkers, whether Christians or not. I do not believe there is any difference of opinion among religious bodies on this matter, and I know there is no difference of opinion in the Senate.

Mr. MANTLE. Mr. President, I desire to say briefly that I am in thorough sympathy and accord with that sentiment which is opposed to the appropriation of the public moneys for sectarian purposes, and I had hoped, in common with the Senator from Massachusetts and the Senator from New Hampshire, that, when a year ago the conference committee of the two Houses had arrived at an agreement upon this question, the matter had been definitely settled. But it seems that the mistake was made by the conference committee of not having made provision to carry the agreement into effect. So it happens in this session of Congress that we are again confronted with the same condition of affairs that existed a year ago, and that again, in addition to the great principle of the separation of church and state, in which the great body of the American people believe, we are once more met in this connection with the question of humanity. We are again face to face with the proposition that if we cut out this appropriation at the present time many of the Indian pupils in the Indian schools now being cared for under the contract system will find themselves without the means of securing that education which I am sure all of us desire that they shall receive, because if anything has been demonstrated in the course of our Indian policy it is that the only rational, logical, reasonable, and humane treatment to be extended to those people is that of educating them and of teaching them useful occupations. That policy has proved a grand success in the treatment of the Indians, and it is the only policy which ought to be pursued toward them.

Mr. President, so far as concerns the statement of the Senator from Washington, that after all this expenditure of public money in behalf of the Indians there is not to-day an educated Indian, I wish to state, out of my own experience, having passed the greater part of my life in that part of the country which they mainly inhabit, that the statement is incorrect. Anyone who has lived in that section of the country must be well aware that there has been a great advance, a great improvement in the condition of the Indians, and this statement finds its verification in the fact that disturbances by Indians have almost entirely ceased. This state of affairs, I say, testifies to the good work which has been done and to the improved condition of the Indians at this time. There are many hundreds and thousands of Indians who have been directly benefited and improved by the policy of education and of teaching them useful occupations.

If the amendment is presented for our votes in this form, although I am strongly opposed to the policy of voting the public moneys for sectarian purposes, for I recognize the fact that so long as this custom prevails it must lead to endless discussions and to the continuous debate which has been going on year after year—yet in consideration of this other question, that of humanity, I shall be compelled to cast my vote again in favor of the extension of this appropriation for another year. But if we are going to adopt the amendment of the committee, I believe we ought at this time, taking counsel of the experience of the past year, to make provision for the purchase of schoolhouses and sites, so that a year hence, when Congress convenes, we shall not find the question again confronting us in exactly the same condition and manner that it does at this moment.

I dislike very much, as a younger member of this body, to offer even a suggestion to the Committee on Appropriations, or to attempt in any manner to amend their work. Perhaps it is not proper that I should do so, and yet I shall make bold at this time to suggest an amendment, and to suggest further that if it were incorporated at this time with the committee amendment it would effectually dispose of this question and make all the necessary and proper provision for carrying into effect what is unquestionably the desire of both branches of Congress. With the permission of the Senate, I will read the amendment, which I have roughly drawn, and I should like to ask, if it be in order, that it may be considered in connection with the amendment reported by the committee. I propose the following amendment, which I will read for information:

For the purchase, lease, repair, and construction of school buildings, and the purchase of school sites for the use and accommodation of Indian pupils now being educated under the contract system, the sum of $1,000,000; and the Secretary of the Interior is hereby authorized and directed to expend the same, or as much thereof as may be necessary, for this purpose, and to have such schools in readiness for the use and accommodation of said pupils on or before the 1st day of July, 1898.

Mr. GALLINGER. Mr. President, I crave the indulgence of the Senate a single moment further in this debate. When I gave qualified assent to the statement of the Senator from Washington, I did not mean to be understood to say that there was not an educated Indian in the United States, or that education as administered by the Government has not done more or less good. What I meant to be understood to give assent to was that I thought we had made a very large expenditure of money for this purpose with results that were disappointing to us all, and I adhere to that statement.

It was not my purpose to mention in this discussion any religious denomination. I have with a great deal of care in former discussions avoided making any utterance of that kind, and I would not have mentioned any denomination to-day had not a direct question been put to me by the distinguished Senator from Nebraska, which it was my duty to answer. I am not narrow or bitter or prejudiced in the matter of religious belief. It was, sir, upon my suggestion and motion that the last relic of religious intolerance was removed from the organic law of the State of New Hampshire, and that was in behalf of the great denomination that has to a certain extent been under discussion to-day.

My position is well known in my own State on this question. I entertain the broadest possible views, and I concede to every man, whatever his religious belief may be, the same right of free thought and free action that I claim for myself.

But, Mr. President, this question goes beyond that of sects or churches. It is a great fundamental principle; and I repeat that in my judgment it is time that the people of this great country solve this problem once for all, and rid our national legislative bodies from the discussion of it that has taken place year by year.

The Senator from Colorado properly said, and truthfully said, that the other religious denominations were still pursuing their work among the Indians. That is true; and when all these appropriations are stopped, when the last cent of money is discontinued to any religious denomination whatever, the great denomination that is now pursuing this work, aided by appropriations from the public Treasury, will, beyond a doubt, continue its beneficent work among the Indians of this country. It is not a blow at any religious denomination. It is not action that, in my judgment, will in any wise retard the work of education among the red men of this country. But we will have established a great principle, upon which every citizen of this country will stand, and can stand, whatever his religious belief may be, and we will have rid our legislation from a troublesome and a vexed question that is bound to be discussed until it is solved, and it never will be solved and settled until it is settled right.

Now, Mr. President, I am ready for the vote, reserving the right to offer the amendments I suggested a moment ago. If those amendments go into the bill, even though the amendment of the committee shall be adopted—which I trust may not occur—I am satisfied that when we come to consider the next Indian appropriation bill we will not occupy several hours of valuable time in the discussion of this question, which has been heard so often in the Halls of the National Congress.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from Montana [Mr. MANTLE]. Does the Senator propose the amendment read by him as an amendment to the one pending?

Mr. MANTLE. If it is in order, I should like to have it acted upon, so that it may become a part of the committee's amendment. I think it is necessary to go with the committee amendment in order to get it in proper shape.

The VICE-PRESIDENT. The Chair desired to know the status of that amendment.

Mr. ALLISON. Mr. President, I concur with the Senator from New Hampshire who has just taken his seat that this matter ought not to occupy the attention of the Senate for any great length of time. I had supposed that the question of the policy of our Government was settled by the legislation of last year. The only question between the two Houses last year on the Indian appropriation bill was whether these schools, contract schools, so called, should end with the passage of that law, or whether they should end on the 1st day of July, 1897 or 1898. The Senate Committee on Appropriations last year, accepting fully the views now uttered by the Senator from New Hampshire, reported a provision that the contract schools should continue until the 1st day of July, 1898, believing then, as I believe now, that time should be given for the transition period between the schools that are to be supported by the Government and those denominational schools which have hitherto been supported by contracts given to them.

I agree that the policy thus established last year should not be interfered with, and I know, or at least I have heard, of no one on this floor who proposes to interfere with it. Therefore I do not discuss the question as to the propriety of appropriating money for sectarian schools.

When we fixed the year 1898 in the act of last year in this body, after debate, we did it because we believed it would require a period of two years to make the transition. The House believed that it could be done without delay. A compromise was made between the two Houses that the period should end on the 1st of July, 1897, and that was understood at the time in both Houses. Now it appears from the statement of the Commissioner of Indian Affairs, made to the Committee on Appropriations, that although this has been substantially done, or will be done on the 1st day of

July, 1897, either by purchase of the buildings of sectarian schools in existence or otherwise—that the change from sectarian to Governmental schools will be accomplished, or nearly so, by the 1st of July, 1897—but that there are certain schools having now a considerable number of pupils which can not be so changed by the 1st of July, 1897.

Therefore, after consideration of this subject, the Committee on Appropriations did what? Did it change the policy of this nation as stated and agreed to substantially by everybody last year? Have we done anything in this bill that requires a reargument or restatement, as though there was a division of opinion here? Certainly not. We only provided that the Secretary of the Interior or the Commissioner of Indian Affairs should have the authority, in case it was impossible to secure Government schools for pupils requiring school aid, to use a portion of this money for the fiscal year for which we are appropriating to enable the children to acquire the knowledge that is usually acquired at these schools, without turning them out. We have changed no policy. We have proposed only the humanitarian idea which ought to prevail in this body without reference to our religious views, or the want of them, in order to give the children that can not be provided for by the Government an opportunity for one year more, or a part of a year, to be educated where they are now being educated.

Now, that is all there is of this question. I hope that we shall not hear of it again in this appropriation bill. I concur with the Senator from New Hampshire that when we have passed the transition period and made provision for the Government schools it will not be necessary for us to indulge in a denominational discussion either for or against any particular religious denomination in the country.

So the Committee on Appropriations have not departed from the policy and purpose which was declared last year, but have proposed an amendment here which will submit to the House of Representatives whether a few children who are not already provided for at the public schools and who are now provided for by the sectarian or denominational schools shall be turned out, or whether, temporarily, they shall be continued where they are.

Mr. STEWART. I have not been present during all of the discussion. I wish to inquire whether there is a provision in the pending bill or in any other for advancing with sufficient rapidity the construction of the buildings so as to be ready at the end of the time limited?

Mr. ALLISON. The Commissioner of Indian Affairs stated to us explicitly that the provisions here for the purchase and lease of building sites would be ample to provide for all the children during the fiscal year 1898.

Mr. ALLEN. Mr. President, I did not suppose there was any controversy as to the policy to be pursued with reference to these Indian schools. I understood from the action of Congress last year that we settled upon the policy that appropriations should be cut off at the rate of about 20 per cent each year for something like four or five years, until the schools were enabled to care for themselves. So the proposed amendment of the Committee on Appropriations does not disagree in any respect from the policy laid down last year, as I am informed by the Senator from Missouri [Mr. COCKRELL] at my right.

I think there are two things that ought to be considered carefully in connection with this proposed amendment, and these two points rise above the mere dollars and cents involved in the amendment, although the sum is probably large. The first to be considered is the welfare of the Indian children, who, unless this appropriation shall be made, will be turned out without any educational opportunities whatever. There can be no doubt that a great many thousands of Indian children unless they receive means of education through the contract schools for a year or two at least will be deprived of the privilege of an education during that period. Now, that is an important matter. I agree entirely with the Senator from Connecticut, with whom I rarely agree upon any subject, that it would be absolute cruelty, unjustifiable cruelty, to turn these children out without an opportunity of education.

Then there is another important matter in this connection that the Senate can not overlook, and which was considered a year ago in connection with the Indian appropriation bill, and that is the injustice of taking the prop from under the contract schools and rendering their property valueless by a sudden withdrawal of the appropriation. The church of which the Senator from New Hampshire speaks, and in fact many of the churches, invested millions of dollars in Indian schools; they erected valuable buildings, and provided for the education of the Indian youth. If the Government can be estopped from a sudden withdrawal of support to the schools it is estopped in this case until the owners of this property have had an opportunity either to dispose of the property or make provision for conducting their schools by means derived from some other source. It strikes me that it would be absolutely unjust in view of the policy this Government has pursued for over twenty years in encouraging the construction of great school buildings, and encouraging religious societies to educate the Indian youth, suddenly to take the foundation out from under their enterprises and permit their property to fall back upon their hands almost absolutely worthless.

Mr. GALLINGER. Will the Senator from Nebraska permit me?

Mr. ALLEN. I will.

Mr. GALLINGER. I suggest to the Senator that the other denominations in bulk invested very nearly as much in school buildings as the remaining denomination; that they voluntarily relinquished this subsidy from the Treasury of the United States and did not ask the Government to reimburse them, and that they are carrying on their schools now with their own funds.

Mr. ALLEN. I do not see that that makes any difference in the argument. The Senator, a moment ago in his remarks, seemed to indicate that I was a Catholic, or in some way in sympathy with the Catholic Church.

Mr. GALLINGER. Oh, no, Mr. President; I disclaim that. I did not think that, and hence I could not have said it.

Mr. ALLEN. Let me say to the Senator that I am a child of Protestant parents, the child of a Protestant minister——

Mr. GALLINGER. That is a matter I never thought of, Mr. President, and I will state to the Senator——

Mr. ALLEN. And I do not stand here as an advocate of any particular denomination. I believe the more churches we have the better off the country will be, I do not care what their dogmas may be. We are not compelled to believe all of the formulated creeds of a church, and yet, Mr. President, it is true that the great church organizations have hewed out and marked the pathway of civilization in this country. The settlement of the country has always followed in the pathway of the pioneers of the churches. I care not what name you may give it, every Sunday school that is organized and established in this country, every Christian society, under whatever name it may exist or by whatever name it may be known, is an important factor in our civilization, and we can not afford to sneer at any of them. They are civilizers.

I regret that the Government does not pursue the policy, if it finds it cheaper, of employing the different churches as an agency, as a means to educate the Indian youth of this country. The Senator from New Hampshire thinks he sees some conflict between that policy and the established doctrine that church and state shall be forever divorced. There is no conflict at all, either in theory or in practice. From whence did we get the doctrine incorporated in our fundamental law that there should be no union of church and state? We got it from the example furnished us by the early English people and by continental Europe. In those countries at that time there was an established church, and the people were taxed and compelled to support the church. That is what is meant by church and state, and that is what we mean when we say we will divorce the church from the state. But the employment of the Methodist Church, or of the Episcopal, or of the Quakers, or any other organization as an agency to educate the Indian youth of this country is in no sense, in theory or in fact, a union of church and state.

I noticed a day or two ago that a distinguished Union general, under whom I served during the late war, died at St. Louis, a man, Mr. President, who, I believe, was greater than Marshal Ney; greater, in my judgment, than any subordinate commander in this country or in the old in a hundred years of the world's existence. It so happened, when I came to read his obituary, that I learned for the first time that he belonged to the Catholic Church. He was A. J. Smith, a man pretty nearly 84 years of age. Mr. President, when that man was riding in the storm of battle, leading his hosts in defense of our country, did anybody say that was a union of church and state? This Government employed his great services, and he rendered them freely in defense of the flag. You might as well say that the payment of that man for his services was a union of church and state as to say that the payment of these church organizations for their services in educating the Indian youth of the country is a union of church and state. That is not the union of church and state to which we refer. The union of church and state to which we refer, and which is contrary to our Constitution and contrary to our traditions as a Government, is the establishment of a particular church organization and the supporting of that church organization by general taxation levied upon the people.

Mr. PETTIGREW. I ask unanimous consent that the vote be taken on the amendment with regard to sectarian schools at 1 o'clock on Monday.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

SPECULATION IN CLAIMS AGAINST THE GOVERNMENT.

Mr. HOAR. I desire to have a brief conference report adopted, which I do not think will take three minutes. The members of the committee in the other House are anxious to have the report acted upon at once.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the first section of the bill, and from its disagreement to the amendment striking out the third section of the bill, and concurs therein; and also recedes from its disagreement to the amendment to the second section of the bill, and concurs therein with an amendment as follows:

Strike out "five hundred," and insert "one thousand" instead thereof, so that said section will read as follows:

"SEC. 2. That any person who shall violate this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding $1,000."

GEO. F. HOAR,
WILLIAM LINDSAY,
WILLIAM F. VILAS,
Managers on the part of the Senate.
FREDERICK H. GILLETT,
C. G. BURTON,
JOHN K. HENDRICK,
Managers on the part of the House.

The report was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased;

A bill (H. R. 3926) to correct the war record of David Sample;

A bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes;

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 10040) granting an increase of pension to George W. Ferree; and

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms.

MRS. LUCY ALEXANDER PAYNE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) for the relief of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, further insisting upon its amendment to said bill, and asking for a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROACH. With regard to the bill, the action upon which has just been read, I move that the Senate concur in the amendment of the House of Representatives.

The VICE-PRESIDENT. The question is on the motion of the Senator from North Dakota, to concur in the amendment of the House of Representatives, in line 6, before the word "dollars," to strike out "fifty" and insert "thirty."

The motion was agreed to.

LEGAL PROCEDURE IN THE TERRITORIES.

Mr. PLATT. I wish to have the attention of the Senate for a moment while I make a statement. I had intended this afternoon to ask unanimous consent to call up a bill which was recommended by the Judiciary Committee, which must be passed, if at all, very quickly. It was objected to some time ago by the Senator from New York [Mr. HILL]. It is a bill relating to legal procedure in the Territories. There are four men who are under sentence of death to be hanged on Tuesday next. I do not suppose it would be possible if we brought the bill up to-night to get any further along with it than if it was brought up on Monday morning; but I shall ask the indulgence of the Senate on Monday morning to consider the bill, and I hope the Senator from New York will by that time be willing to withdraw his objection to it.

FORT SPOKANE MILITARY RESERVATION.

Mr. HAWLEY. There is a bill on the Calendar which the War Department wants passed, a bill of mere business detail, which will save the Government some money. It will take but a moment to read it. I ask unanimous consent for its consideration. It is Senate bill 3561.

The PRESIDING OFFICER (Mr. PASCO in the chair). The bill will be read for information, subject to objection.

Mr. COCKRELL. If it leads to no discussion, I shall not object.

The bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company was read by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FAULKNER. If it leads to no discussion, I shall not object.

Mr. HAWLEY. After the bill is read I think there will be no objection to it.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The bill was read.

Mr. HAWLEY. Only a single word of explanation. The bill will assist the Government in conveying materials more cheaply to Fort Spokane, and so the War Department would like to have the bridge built this summer. That is all.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 22, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1897.

DISTRICT JUDGE.

James L. Wolcott, of Delaware, to be United States district judge for the district of Delaware.

UNITED STATES MARSHAL.

Giles Y. Crenshaw, of Missouri, to be marshal of the United States for the western district of Missouri.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1897.

REGISTER OF THE LAND OFFICE.

Benjamin F. Shaw, of Vancouver, Wash., to be register of the land office at Vancouver, Wash.

PROMOTIONS IN THE ARMY.

Infantry arm.

Candidate Sergt. James W. Clinton, Troop F, Fourth Cavalry, to be second lieutenant.

Candidate Sergt. Alexander T. Ovenshine, Company C, Twenty-first Infantry, to be second lieutenant.

Candidate Corpl. Henry E. Eames, Troop E, Fourth Cavalry, to be second lieutenant.

Candidate Sergt. Robert Field, Troop H, Eighth Cavalry, to be second lieutenant.

First Lieut. Reuben Banker Turner, Sixth Infantry, to be captain.

First Lieut. Daniel Alfred Frederick, adjutant Seventh Infantry, to be captain.

First Lieut. Edgar Hubert, Eighth Infantry, to be captain.

Second Lieut. Frederick S. Wild, Seventeenth Infantry, to be first lieutenant.

Second Lieut. William Orlando Johnson, Nineteenth Infantry, to be first lieutenant.

Second Lieut. James Robert Lindsay, Fourteenth Infantry, to be first lieutenant.

POSTMASTERS.

Mary A. Ryan, to be postmaster at Anoka, in the county of Anoka and State of Minnesota.

Sadie E. Truax, to be postmaster at Breckenridge, in the county of Wilkin and State of Minnesota.

J. W. Overstreet, to be postmaster at La Plata, in the county of Macon and State of Missouri.

G. W. S. Jenkins, to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina.

William A. Sloan, to be postmaster at St. Petersburg, in the county of Hillsboro and State of Florida.

Alfred J. McQuiston, to be postmaster at Saltsburg, in the county of Indiana and State of Pennsylvania.

George Mason, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado.

Duncan D. McIntyre, to be postmaster at Laurinburg, in the county of Richmond and State of North Carolina.

Mary Green, to be postmaster at Warrenton, in the county of Warren and State of North Carolina.

Adelia M. Barrows, to be postmaster at Hinsdale, in the county of Cheshire and State of New Hampshire.

Miss Ada L. Davis, to be postmaster at Pilot Point, in the county of Denton and State of Texas.

James F. Maher, to be postmaster at Litchfield, in the county of Meeker and State of Minnesota.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 20, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of general appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

GENERAL DEFICIENCY BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 10329, the general deficiency bill, and the question is upon the pending amendment, which the Clerk will read.

The Clerk read as follows:

On page 54, beginning with line 55, strike out the following:

"To enable the Sergeant-at-Arms of the House of Representatives to pay to members of the House of Representatives of the Fifty-third Congress the amounts withheld in their salaries on account of absence, $12,202.48."

Mr. SAYERS. Mr. Chairman, I shall support the amendment offered by the gentleman from Illinois [Mr. HOPKINS]. The truth about it is that the gentleman has raised a question that it would probably be very difficult for even himself to decide. The gentleman thought proper yesterday afternoon to begin his remarks by an assault upon the gentleman from Missouri [Mr. DOCKERY] and myself. I will say to the gentleman from Illinois that the gentleman from Missouri had nothing whatever to do with the preparation of this bill. It was prepared by a subcommittee of which he was not a member; and the members of that subcommittee, myself included, are responsible for this provision in the bill. It may seem strange that, being to a certain extent responsible for the appearance of the provision, I should be found supporting the motion made by the gentleman from Illinois. The Committee on Appropriations and the subcommittee on deficiencies were considering a bill introduced by the gentleman from Virginia [Mr. TUCKER] for the relief of Mr. George D. Wise, of Richmond, Va., which read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any funds in the Treasury not otherwise appropriated, to George D. Wise, of Richmond, Va., the sum of $110.

That bill was referred to the Committee on Appropriations. Upon inquiry the committee discovered that the $110 which was sought to be appropriated was claimed to be due Mr. Wise for a portion of his salary as a member of the House, which had been withheld under the order of the Speaker of the last House in consequence of Mr. Wise's absence. The subcommittee concluded that if it would be right to pay this demand, it would also be right to make reimbursement to all others similarly situated, and it was the purpose of the subcommittee that this matter should be brought before the House for its consideration.

In order that members may properly and thoroughly understand the question, I will send to the Clerk's desk a blank certificate, being the form used in the last Congress for the pay of members, beginning on the 4th day of April, 1894; and I ask the Clerk to read all that appears on the certificate, including the language quoted from the statute.

The Clerk read as follows:

SEC. 40, REVISED STATUTES.

The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., ——— ——, *189—*.

I certify that during the month of ——— I have been absent ——— days, for which deductions should be made under section 40 of the Revised Statutes.

——— ———.

Salary, 189—.

No. ——. HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., ——— ——, *189—*.

I certify that there is due to the Hon. ——— ———, ——— dollars, as a member of the House of Representatives for the Fifty-third Congress.

——— ———, *Speaker.*

$———.

Received the above amount.

——— ———.

Mr. SAYERS. Mr. Chairman, I now send to the Clerk's desk the form of certificate used in the present Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I hope the gentleman's time will be extended five minutes.

Mr. SAYERS. I should like to occupy ten minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Texas [Mr. SAYERS] be allowed to proceed for ten minutes further. Is there objection? The Chair hears none.

Mr. WILLIAM A. STONE. In connection with the certificate just read, I wish to ask the gentleman from Texas whether it is not true that the Speaker announced, either publicly or privately, I do not remember which—but were we not given to understand that he would not certify the voucher necessary to draw the monthly pay until the member had signed the certificate just read?

Mr. SAYERS. Certainly; that was my understanding.

Mr. WILLIAM A. STONE. It seems to me that the fact I have just stated ought to go on record with the certificate read.

Mr. SAYERS. Mr. Chairman——

Mr. HEPBURN. Before the gentleman from Texas resumes, I beg to suggest that the answer of the gentleman, taken in connection with the query just made, may be somewhat misleading, owing to the fact that the Speaker, in some way or another—I do not now remember how—authorized a modification of that certificate. I know that in a great many cases the certificate was modified, so that, for instance, the member would certify: "I have been absent no days for which, under the law, my pay should be deducted."

Mr. SAYERS. Well, that may be so, though I never saw such a certificate.

Mr. HEPBURN. So that any member, if he believed in the contention of gentlemen on this side of the House, had the right to make that change in the certificate, which, in its modified form, the Speaker readily signed, and by means of which the member secured his full pay.

Mr. WILLIAM A. STONE. Nobody questions that.

Mr. SAYERS. I had no knowledge of the form of certificate to which the gentleman from Iowa [Mr. HEPBURN] refers. I never used such a form myself, but used only the one which has been read.

Mr. HULL. My impression is that there was no modification of the printed form, but the change was simply written in.

Mr. WILLIAM A. STONE. And members had a right to do it.

Mr. SAYERS. I ask now that the certificate which is being used in the present Congress be read.

The Clerk read as follows:

Salary, 189—.

No. ——. HOUSE OF REPRESENTATIVES OF THE U. S.,
Washington, ——— ——, *189—*.

I certify that there is due to the Hon. ——— ——— four hundred and —— dollars, as a member of the House of Representatives for the Fifty-fourth Congress.

——— ———, *Speaker.*

$41—.

Received payment, ——— ———.

Mr. SAYERS. Mr. Chairman, members will readily see the difference between the two certificates.

Mr. CLARDY. I should like to ask the gentleman this question: Is the law which has been referred to, and which has been read at the Clerk's desk, operative now, or has it been repealed?

Mr. SAYERS. It has never been repealed. The law as read is still in force.

Mr. WILLIAM A. STONE. Of course the gentleman will understand that we deny that the law is still in force; we contend that it was repealed, and was not in force during the last Congress.

Mr. SAYERS. Certainly. Now, Mr. Chairman, it is an open secret in this House—it was an open secret in the last Congress—that many gentlemen obtained their full monthly salary notwithstanding the fact of their absence and notwithstanding the further fact that they were not absent because of sickness of themselves or of any member of their families. The gentlemen who will be the beneficiaries of this appropriation if it should be made, and I am not one of them, because there is not a penny due me by reason of service in the last Congress—the gentlemen who will be the beneficiaries are those who signed the form of certificate first read and subjected themselves to deduction for absence that was not because of the sickness of themselves or any member of their families.

To show the injustice which occurred, let me state that other members of that Congress who were in a similar situation construed the law differently. I am not going to call in question the motives which induced them to adopt a different construction. They were honorable and capable gentlemen—many of them good lawyers. But suffice it to say, sir, that this difference of construction between the two sides of the House in that Congress, Democrats and Republicans, operated to the disadvantage of those Democrats and Republicans—for there were Republicans also—who could not sign the certificate first read without allowing deductions for absence not caused by sickness either of themselves or some member of their family.

Mr. WILLIAM A. STONE. I dislike to interrupt the gentleman from Texas, and if he will allow me to ask him a single question I will not again interrupt him.

Mr. SAYERS. Very well; I will yield for that purpose if the gentleman will agree not to interrupt me any more.

Mr. WILLIAM A. STONE. I will put it in writing.

Is it not true that the amount appropriated in this bill will go to the members of the last House who did not receive pay for their services in the Fifty-third Congress?

Mr. SAYERS. Yes.

Mr. WILLIAM A. STONE. And money was withheld from them under a misconstruction of the law.

Mr. SAYERS. That I do not agree to.

Mr. LOUD. Perhaps the gentleman himself is one of them.

Mr. WILLIAM A. STONE. Oh, yes; "the gentleman" is one; and I do not intend to vote on the question, either. I hope the gentleman will remember that.

Mr. SAYERS. Mr. Chairman, I wish to show a specimen of operation under that law.

Inasmuch as my good friend from Illinois [Mr. HOPKINS], without any provocation whatever, saw proper to assail the gentleman from Missouri [Mr. DOCKERY] and myself, I intend to take advantage of this occasion to show from the records of the last Congress, after the 4th day of April, 1894, the following fact: Of the number of roll calls, 101 in all, the gentleman is recorded as voting only on 30, and as not voting on 71.

Mr. LACEY. Perhaps he was paired.

Mr. SAYERS. No; there was no pairing about it.

At the third session of that same Congress the gentleman from Illinois voted 38 times, and failed to vote 9 times out of 47 roll calls. And yet, Mr. Chairman, upon the list of those whose salaries were deducted, and which list has been furnished to the Committee on Appropriations, we do not find the name of the gentleman from Illinois.

Mr. LACEY. Is any Senator's name on that list?

Mr. SAYERS. None.

Mr. LACEY. So they construe the law to be no longer in force, evidently.

Mr. SAYERS (continuing). And so the truth is that my friend from Illinois—

Has digged a pit, and digged it deep,
And thought he'd catch a brother;
But in the pit he fell himself,
That he had digged for another.

[Laughter and applause.]

The gentleman, I suppose, appreciates the poetry, does he not?

Mr. WILLIAM A. STONE. That is Texas poetry, I suppose. [Laughter.]

Mr. SAYERS. Now, Mr. Chairman, as I said in the commencement of my remarks, I intend to vote for the amendment, because I think the law that I have caused to be read is still in force, and because I believe that the opinion given by the majority of the Committee on the Judiciary in the last Congress was a correct opinion with reference to it, and that the pay of members ought to be deducted for absence that was occasioned by any cause other than on account of the sickness of themselves or some member of their families. The committee is now brought face to face with the question whether or not it will strike out this clause, so that it may be determined whether or not the law which I have read was and still is in force, and whether or not the action of the Speaker of the last House of Representatives was in that respect correct.

A minute more in conclusion. If members of the committee think the certificate in use by the present Congress is a proper one, and that the certificate used in the last Congress was not the proper one, then it is their duty to vote for the clause and against the amendment of the gentleman from Illinois.

[Here the hammer fell.]

Mr. MAHON. Mr. Chairman, gentlemen who were members of the last House and who are members of the present Congress ought to have this matter fully explained and the reason why the action suggested by the gentleman from Texas was taken.

The members of the Fifty-third Congress will remember that a heavy Democratic majority prevailed in that Congress, and that, notwithstanding that fact, they got into bad water and could not get a quorum here on many questions. Now, the Speaker of that House, who was a good lawyer—I do not know whether the Committee on Rules advised on the question or not—arbitrarily had that document prepared for the members of the House, to sign before receiving their pay. That action at once led to an investigation of the law, because that deducting feature had not been in force for many years; and such lawyers as my friend Mr. MCCALL of Massachusetts, Mr. RAY of New York, and other good lawyers, who occupied seats on this floor, after careful consideration, came to the conclusion that the law did not have any existence and should not be applied at the present time, because the operation of the act destroying the per diem pay, and declaring an annual salary of $5,000 a year for a member of Congress, instead of the per diem pay, by implication repealed all former laws in regard to the salaries of members of Congress.

Now, the question arose between the members. There was an honest difference. I would state very frankly that when that paper was handed to me, and I gave the law careful examination, I believed there was no law in existence upon the statute books which either authorized the Speaker to make such a deduction as that or compelled me to sign a paper docking myself; and being made a judge of the law in my own case, I decided the law in my favor, and refused to sign any certificate of that kind. [Laughter.] I am not among the members who have been docked, because I did not believe and do not now believe that the Speaker had a right to do what he attempted to do. But, nevertheless, before the Speaker agreed to modify that paper, a great many members of the House, who did not give this matter much attention, signed that paper the moment it was put upon their desks, and it went into the office of the Sergeant-at-Arms, and these men were docked.

Now, this is simply an appropriation of $13,000 to pay that money back to them. The question raised here is, if these men believed they were not entitled to that pay, why should the money be refunded? I want to say that three-fourths of the men who signed that paper because it was the policy adopted by the Speaker did not believe then that they were entitled to be docked, and they do not believe it now.

Now, Mr. Chairman, if this matter is not decided to-day, it will come back to this Congress year after year. The amount involved is very small. If I could reach the men who inaugurated the policy of putting members into that situation, I should not hesitate to vote to deduct the salary from them, but I say it is not right to deduct it from other members.

Mr. CONNOLLY. Why did not that Congress make this appropriation itself?

Mr. MAHON. That Congress made an appropriation to pay the full amount of members' salaries, and it was put into the hands of the Sergeant-at-Arms, who is not an officer of the Speaker of the House, but is a disbursing officer of the United States. That money was put there for me, and I went there and took it.

Mr. CONNOLLY. Why did they not make the same kind of an appropriation as this which is included in this bill now to pay them what had not been paid before?

Mr. WILLIAM A. STONE. Let me answer that. It was offered, and voted down on a yea-and-nay vote.

Mr. CONNOLLY. But if they had made it the law that the Sergeant-at-Arms should pay the money, he could not have withheld it from them.

Mr. WILLIAM A. STONE. But they did not make it the law. They defeated it.

Mr. CONNOLLY. Why did they defeat it?

Mr. WILLIAM A. STONE. Because there was a Democratic majority of about 110 votes.

Mr. CONNOLLY. Oh, yes.

Mr. MAHON. Now, Mr. Chairman, one word more. I ask this House to vote this amendment down, because if you do not, the next Congress will have this same matter brought before it. I ask you to vote it down, because I do not believe that there is a lawyer on the floor of this House who examined this case thoroughly when it was before the House who believes there was any law in existence authorizing any disbursing officer, at the dictation of the Speaker or any other officer of the House, to deduct the salary from him that had been voted to him under the law of the United States. And if it was taken from them wrongfully, let us vote this $13,000 to pay these members of the Fifty-third Congress who are entitled to this sum.

Mr. HOPKINS of Illinois. Mr. Chairman, the gentleman from Texas [Mr. SAYERS] comes here this morning with a very placid countenance and a mild and dove-like manner to get a Republican House to wash the dirty linen of the Democratic Fifty-third Congress. He says that he was a member of this subcommittee that brought in this amendment to pay these men this $13,000. I will say to the Republican members of the House that the gentleman from Texas [Mr. SAYERS] was the chairman of the Committee on Appropriations in the Fifty-third Congress, and if he had been as solicitous for his Democratic friends in the closing days of the Fifty-third Congress as he seems to be in the closing days of the Fifty-fourth Congress, he could have put this appropriation into the deficiency bill of that Congress, instead of loading it upon a Republican Congress and then going out and claiming before the country that we are extravagant in our appropriations. [Applause on the Republican side.]

Mr. SAYERS. The gentleman misunderstands me. I am going to vote for an amendment to strike out this appropriation.

Mr. HOPKINS of Illinois. The gentleman says that he is going to vote for the amendment to strike it out. Why, Mr. Chairman, did he not make that motion when this item was reached? Why did he wait for some one who was not a member of the committee? He was vociferous here in his opposition to the appropriation for the Southern Pacific Railroad Company, and secured three hours of time to debate that question; but he was as silent as the grave on this matter of the $13,000 that it is proposed to distribute among his Democratic colleagues, that ought to have been paid to them in the Fifty-third Congress, according to his own statement this morning.

Now, what I object to is not so much paying these men as the manner in which it is forced onto this Congress. It is always the case with these gentlemen; if there is anything of a questionable character like this they will refuse to act when they are in power and will wait until the Republicans are in possession of the House, and then come around with their arguments and induce good-natured Republicans to adopt and become responsible for their delinquencies. The gentleman has seen fit to call attention to the number of times that I did not vote in the last Congress. Does that show that I was not here? Not at all. The gentleman knows as well as I know that I was engaged in committee work in the Ways and Means Committee room scores of times when there were roll calls, and did not respond, the same as he himself has done. He knows that on all important questions I voted. He undertakes to make a personal arraignment of me to avoid the effect of the motion I make, that affects us from a party standpoint, and not from the individual.

I claimed in the Fifty-third Congress, when this rule was adopted by the Democratic majority, that it was a violation of the law and a violation of the individual rights of members. I stood with the Republican members of the House. But the gentleman from Texas, at the head of the Appropriations Committee, with more than 110 majority upon his side, sustained the then Speaker of the House upon all these propositions; and when the gentleman from Pennsylvania [Mr. MAHON] arose to a question of personal privilege and insisted that the House did not have the legal right nor the moral right to take from him the salary that has been given him by statute, he was opposed by the vote of the gentleman from Texas and by the almost solid Democratic vote of that House. Is it proper for Republicans at this late day to come in here, after these Democrats have certified that they are not entitled to this money and after they declined to appropriate this alleged deficiency in the Fifty-third Congress, to add $13,000 to the already large appropriations of this Congress? Why, Mr. Chairman——

Mr. LIVINGSTON. Will the gentleman allow me to interrupt him?

Mr. HOPKINS of Illinois. I can not yield now. I have listened to the arguments of the leaders upon the Democratic side about our extravagance in this Congress. We have had two set speeches by gentlemen of the minority side of the Committee on Appropriations already, arraigning us for extravagance. If these Democratic members want to be paid, let them take it up in a Democratic House, but not ask us to reverse the po ition which they voted upon themselves and enforced upon Republicans——

Mr. GROSVENOR. I object to the gentleman saying "take it up in a Democratic House." We do not propose to have any. [Laughter.]

Mr. LIVINGSTON. Will the gentleman allow me now?

Mr. HOPKINS of Illinois. Yes.

Mr. LIVINGSTON. I understand that many of the Republican leaders of the House are on this list; and why should the gentleman make it a political issue?

Mr. HOPKINS of Illinois. I make it a political issue because it is political, and made so by your party. The gentleman from Georgia [Mr. LIVINGSTON] and those other gentlemen then insisted it was proper to deprive these men who certified as I have indicated of the money he now would have a Republican Congress pay them. Every man whose money is detained there is detained on the certificate which he made, in which he said that he was not entitled to the money.

Mr. LIVINGSTON. The gentleman must remember that the Democrats did and had supposed every other member was going to fill out the certificate.

Mr. HOPKINS of Illinois. Why did not the Democrats in the last Congress go on and have this paid instead of asking that it be paid at the present time?

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I do not desire to be recognized, except to try to close debate at some given time. I would be glad if it could be closed in twenty minutes.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this paragraph and amendment shall be closed in twenty minutes.

Mr. HEPBURN. I object.

Mr. CANNON. What time would suit the gentleman—twenty-five or thirty minutes? Say thirty minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this paragraph and pending amendments be limited to thirty minutes. Is there objection?

Mr. GROSVENOR. If I can be recognized, I have no objection.

Mr. WANGER. I object.

Mr. CANNON. I move that the committee do now rise; but I can close debate now. I move that debate be closed in thirty minutes.

Mr. BOATNER. Can the gentleman take me off the floor?

The CHAIRMAN. Not if the gentleman makes the point of order, as the Chair has recognized the gentleman from Louisiana. But the Chair will recognize the gentleman later, if he yields.

Mr. BOATNER. I will yield informally. I will ask the gentleman from Illinois to withhold his motion for a few minutes.

Mr. CANNON. Very well; the gentleman has the floor, and I am powerless.

Mr. BOATNER. Mr. Chairman, it appears to me that the attempt of the gentleman from Illinois [Mr. HOPKINS] to inject political animus into this question is entirely inappropriate. The question is not whether a Republican House shall relieve any number of Democratic members from the consequences of ill-advised action of a previous House which was Democratic; it is not whether this rule or law was enforced by a Democratic or by a Republican House, but whether it is now or was then a law. If the statute which has been read at the instance of the gentleman from Texas [Mr. SAYERS] was then a law of the United States, it is a law now as much as it was while the Fifty-third Congress was in session, and every member who is absent from this Hall with or without leave, except in the case of sickness of himself or his family, ought to suffer a deduction from his salary for the number of days he is absent. If that was a valid and binding statute, then this appropriation ought to be stricken out of this bill. If it was not a statute, then the appropriation ought not to be stricken out of the bill, because those who suffered these deductions have not received the salaries which the law of the United States provided that they should receive.

Mr. LEWIS. Mr. Chairman, I desire to ask the gentleman whether, in his opinion, the action of the Fifty-third Congress in this respect was wrong, and whether he now desires to prosecute an appeal from the action of that Democratic House in order to have the error corrected?

Mr. BOATNER. In reply to the gentleman from Kentucky, I will state that I spoke on this floor two or three times in opposition to the course that was pursued by the then Speaker and by the managers of the House in making these deductions. I dissented from the report of the Judiciary Committee holding that that was the law, and insisted all the time that the salary fixed by law should be paid to members without deduction for the time they were absent by leave of the House. Gentlemen who did not suffer any deduction under the rule escaped it by failing to certify the number of days that they had been absent. They had to suppress the fact that they had been absent at all in order to be paid their full salaries, and in this way escaped the loss suffered by their more conscientious colleagues, who did not feel justified in suppressing the fact that they had been absent. If the statute which the gentleman from Texas has had read here was the law, it ought to have been enforced, and all who absented themselves should have suffered the deduction which it provided, regardless of the certificate of the member. The fact should have controlled, and not its suppression. If it was not the law then, it is not the law now, and it ought not to have been and ought not to be enforced by withholding from some members the salary fixed by law and which their colleagues have received.

Mr. LOUD. Yesterday I made a statement which the gentleman from Louisiana contradicted. I read from the RECORD:

> Mr. LOUD. Of course the gentleman well knows that members were allowed to interpret that law.
> Mr. BOATNER. The gentleman is mistaken about that.

Now, I desire to read to the gentleman the form of certificate which members were required to sign, and I remind him that the Speaker took special care to say that each gentleman must interpret the law for himself. In the certificate is this language:

> I have been absent —— days, for which deduction should be made under section 40 of the Revised Statutes.

Mr. BOATNER. Mr. Chairman, the gentleman from California said yesterday that all those who suffered the deductions had signed a certificate that in their opinion the deduction should be made. I said he was mistaken. I am one of those who refused to sign that certificate. Instead of certifying that deduction should be made under that section of the statute, I certified that I had been absent so many days with the leave of the House, for which no deduction ought to be made. That was the certificate I signed. Now, I submit again, in conclusion, that the question for our Republican friends here to consider is not whether they are going, as the gentleman from Illinois [Mr. HOPKINS] expresses it, to take their "Democratic friends out of a hole," but whether they are going to decide that this is a law, a binding statute. If it is, every gentleman who has received compensation for the days he was absent from this House has received it unlawfully and ought to return it to the Treasury. Every member who continues to receive compensation for days that he is absent will continue to receive it unlawfully. If you want to go to the country upon the proposition that this statute is in force, we have no special objection to that, but we will ask that you conform to the rule which you lay down.

Mr. CANNON. Mr. Chairman, I would be glad to have unanimous consent that debate upon this paragraph and the amendment close in thirty minutes.

There was no objection, and it was so ordered.

Mr. HEPBURN. Mr. Chairman, it seems to me that this ought not to be a very difficult question, and it would not be if gentlemen would remember that conditions exist now just as they existed during the last Congress. Then the Speaker adopted a certificate which put upon every member of the House the obligation and gave to every member of the House the right to determine whether section 40 of the Revised Statutes was in force or not. He accepted a modification from every gentleman who chose to make it which gave him his pay, so that after all each one of us, as a matter of conscience, was able to determine for himself whether under the law he was entitled to the compensation that he received.

Mr. BOATNER. Will the gentleman allow me to interrupt him just there?

Mr. HEPBURN. I would prefer not to, as I have only five minutes and the gentleman has had his say.

Mr. BOATNER. I only wanted to correct the gentleman in a statement that he was making.

Mr. HEPBURN. Now, Mr. Chairman, every member of this House did elect and determine for himself whether he was entitled to his pay or not, and if he failed to get it it was because he gave a construction to the law which justified the Speaker of the House in withholding it from him. That is the situation. I would like to ask these gentlemen what change of conviction has come over them since that time? Then they said by their acts, by the certificates which they made, by the omission to make any interpolation in the certificate—they said they were not entitled to pay for the time they had been absent. If they were not entitled then, will they accept it now?

Mr. SAYERS. Will the gentleman allow me a moment? I do not wish to interrupt him, but I wish to say, in behalf of those gentlemen whose names appeared in the list which was furnished to the Committee on Appropriations, that not a single one of them came to the committee or to the subcommittee in connection with this matter; and I suppose that they were entirely ignorant of the fact that this clause was in the bill when it was reported. We simply had before us the resolution offered by the gentleman from Virginia [Mr. TUCKER] for the payment of Mr. Wise.

Mr. HEPBURN. The explanation of the gentleman does not aid the situation an atom. Under his explanation, it is an insult to offer this money to these gentlemen. They said before that they were not entitled to this money. Are we going to force it upon them now, notwithstanding their assertion in their certificates that they were not entitled to it?

Mr. BLACK. Will the gentleman yield a moment?

Mr. HEPBURN. I will, for a question.

Mr. BLACK. I wish to correct a statement of the gentleman which, as I understand, involves a misapprehension of facts. I know that one member—my colleague, Judge LAWSON, of Georgia—stated that he was not absent any days for which his salary ought to be deducted, and he protested against the deduction. He furthermore stated, however, what was the fact, that he had been absent. He protested against the deduction, but it was made anyhow.

Mr. HEPBURN. Did he protest in his certificate?

Mr. BLACK. He did, as I understand.

Mr. BOATNER. I did the same thing, and a great many others.

Mr. HEPBURN. My understanding is that whenever a member changed the form of the certificate so that it would read, "I certify that during the month of ——— I have been absent no days for which deduction should be made under section 40 of the Revised Statutes," that certificate was ample. Now, if the member refused to insert the word "no" in that blank it was because he believed that section 40 was in force. If he believed that section 40 was in force, then he is not entitled to his pay for the period of his absence.

Mr. BLACK. The gentleman will allow me to say that my colleague, Judge LAWSON, protested on the back of the certificate that none of his pay should be deducted.

Mr. HEPBURN. But he made the certificate showing an absence. If he had certified that he had been absent no days for which deduction should be made——

Mr. BLACK. That is what he did certify, as I understand.

Mr. LACEY. Will the gentleman from Iowa [Mr. HEPBURN] yield for a correction?

The CHAIRMAN. To whom does the gentleman from Iowa yield?

Mr. HEPBURN. I do not desire to yield to anyone, if the Chair will protect me.

The CHAIRMAN. The gentleman will proceed without interruption.

Mr. HEPBURN. Now, in this view of the situation, I think the argument of my friend from Pennsylvania [Mr. MAHON] is not a cogent one. He says:

> Let us pay these claims now, because if we do not, these applicants will come here year after year.

Mr. MAHON. My statement was that in the Fifty-third Congress the position of the Republican party was that no such law was in existence. I do not want to stultify the Republican party; I want to reaffirm the position which they took then.

Mr. HEPBURN. I do not think you will stultify them in taking the position for which I now contend. This was a question for each man; the Speaker put it upon each man; the majority of the House permitted him to put it upon each man. Therefore each member accepted the situation in accordance with the form of certificate which he chose to sign.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, there are some other features of this famous transaction which, while we are airing it here, we might just as well let the country understand. There was some doubt in the minds of some gentlemen about the validity of the claim set up that section 40 of the Revised Statutes was in force. The movement was a Democratic partisan movement, made by the leaders on that side to hold together a disintegrating party of men. The conditions which resulted in the election of 1896 were already manifesting themselves on the majority side of this Chamber, and for the purpose of holding up the members, as a highwayman holds up a man of inferior strength, they adopted this scheme. The lawyers upon the Judiciary Committee—every Republican lawyer and a part of the Democrats—decided that the law had been repealed. Every lawyer with knowledge enough to be a justice of the peace, it had seemed to me, ought to have known it had been repealed. There was no question about it when intelligent men came to analyze it. The requirement of any such certificate as members were then called upon to sign was simply a mode of coercion sought to be held over members here. I utterly refused in any manner to stultify my standing as a lawyer. I denied that the law was in force. I denied the power of the Speaker to put to me any terms by compliance with which I must draw the money that had been appropriated for the payment of my salary. I refused to have anything to do with the proceeding. And I got every dollar of my pay.

That was not all that was done. There was just enough uncertainty in the minds of some gentlemen to make it advisable to have a bill introduced to make the law plain. Such bills were introduced by myself and others. They went to the Judiciary Committee. Everything would have been explained, everything would have been made straight and right, but for the fact that when the committee reported back favorably one of those bills the Speaker refused to recognize anybody to call it up, the majority of the Judiciary Committee refused to order it to be called up, and the House stood here gagged, absolutely gagged, by a power that they could not overcome unless they reorganized the House and turned the committee out of power.

It was holding an insulting proposition up in the faces of the members of this House. And now, as highly as I have always esteemed my friend from Texas, and as thoroughly as I have always tried to follow his leadership on matters of this kind, I would like very much to have him tell the House of Representatives why he did not move, in the latter days of the last House, to secure action, after the result had been worked out, after they had been able to keep their followers here and hold their noses to the grindstone by the fear of having their pay deducted, why he did not attempt to secure the enactment of some provision of law on the subject?

Mr. SAYERS. I can tell the gentleman that I never was a member of the Committee on Rules. I was chairman of the Committee on Appropriations, and had nothing in the world to do with the matter to which he has referred.

Mr. GROSVENOR. Then why did not my friend put it into the deficiency bill, and make this provision, if he did not believe that law was in existence?

Mr. SAYERS. Because I believed then, as I believe now, that the law was and now is in force. I have not changed my views in that regard.

Mr. GROSVENOR. Do you still hold it to be in force?

Mr. SAYERS. I do.

Mr. GROSVENOR. Then would you be willing to pay a man money from the public Treasury that does not belong to him?

Mr. SAYERS. I do not propose to pay a man money from the public Treasury that does not belong to him. I propose to vote for the amendment of the gentleman from Illinois striking out this provision.

Mr. GROSVENOR. Mr. Chairman, I know that there are many men who lost a moiety of their pay by reason of the operation by that provision of law——

Mr. JOHNSON of Indiana (interrupting). The gentleman from Ohio evidently does not understand the scheme of the gentleman

from Texas. The gentleman is going to talk one way and vote another.

Mr. GROSVENOR. In other words, he will talk for Texas and vote for the District of Columbia.

Mr. SAYERS. I did not understand the statement of the gentleman from Ohio.

Mr. GROSVENOR. I only said, at the suggestion of the gentleman from Indiana, that the gentleman from Texas was talking one way and voting another.

Mr. SAYERS. Not at all. I propose to vote to strike out this provision.

Mr. GROSVENOR. Then I am wrongly informed.

Mr. DOCKERY was recognized.

Mr. SAYERS. I hope I can have two or three minutes, Mr. Chairman.

The CHAIRMAN. The time has all been allotted.

Mr. DOCKERY. I will yield two minutes of my time to the gentleman from Texas.

Mr. SAYERS. Mr. Chairman, I only wish to say to the gentleman from Ohio that I do not talk one way and vote another on any question. I never have done so since I have been a member of Congress, and never expect to do so.

Mr. JOHNSON of Indiana. Will the gentleman allow an interruption?

Mr. SAYERS. No; I have but two minutes. I do not talk one way and vote another, and any statement to that effect is absolutely without foundation.

Mr. GROSVENOR. If the gentleman will allow me, I did not hear the gentleman's remark; but I understood the gentleman from Indiana to make the statement, and I simply repeated what had been suggested by him.

Mr. JOHNSON of Indiana. And the gentleman from Texas now declines to allow me a question bearing upon that very point.

Mr. SAYERS. Because I have but two minutes' time. The gentleman can take his own time.

I said I was opposed to the proposition, because I believed the law was in force, and is still in force, and I am going to vote, therefore, for the amendment of the gentleman from Illinois to strike out this appropriation.

And, Mr. Chairman, I ask unanimous consent, as I understood the gentleman from Ohio to say that no man who was fit to be a justice of the peace believed that law was in force and was binding on the members of that Congress, I ask to have printed in the RECORD the report of the Judiciary Committee of the last House on this particular question.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. JOHNSON of Indiana. I object.

Mr. GROSVENOR. I ask to have printed, in connection with the report of the gentleman's speech in the RECORD, also the minority views.

Mr. SAYERS. Certainly, let them both go in.

Mr. JOHNSON of Indiana. Mr. Chairman, I would like to have a few minutes' time.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. DOCKERY. Mr. Chairman, I have been a member of this body now for nearly fourteen years, and since this question was raised on yesterday evening I have examined my record of absences, and find that in all of that time, on account of sickness or from other causes, I have been absent just twenty-one days. I knew nothing whatever of the proposition in issue as stated by the gentleman from Texas [Mr. SAYERS] until it was printed and offered in the bill; and the gentleman from Texas has stated the reason why it is now before the committee.

I shall support the amendment of the gentleman from Illinois regardless of any differences that may exist in the minds of lawyers as to whether or not section 40 of the Revised Statutes is or is not in force. I support it for another reason. Whether wisely or unwisely, the Democratic party in the Fifty-third Congress, or at least its recognized head, decided that section 40 of the Revised Statutes was in force, and thereupon certificates were prepared and used of the form just read at the desk upon the request of the gentleman from Texas [Mr. SAYERS]. I signed those receipts voluntarily. I made a voluntary reduction of my own compensation, and having done that, I am constrained, regardless of the action of the House and the contention of lawyers as to whether this statute is repealed, to adhere to my own action in respect to this matter. This is all I care to say on the question. I shall vote for the amendment of the gentleman from Illinois [Mr. HOPKINS].

Mr. CRISP. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman from Georgia [Mr. CRISP] for one minute.

Mr. CRISP. In the very brief time allowed me of course it will be impossible to make a speech. Mr. Chairman, I think I am about as familiar with the action of the last Speaker on this subject as anyone. He always took without question the certificate as made by the member, and certified to it. The Judiciary Committee of the Fifty-third Congress, composed of able and learned lawyers, decided that section 40 of the Revised Statutes was still in force, and I have here the report prepared by Mr. Wolverton, of Pennsylvania. I thoroughly agree with the report of the committee that the section referred to has not been repealed and is still the law. Believing that, I shall support the amendment to strike out the appropriation. I ask consent to print as part of my remarks the views of the majority of the Judiciary Committee of the Fifty-third Congress on this question.

The CHAIRMAN. Is there objection to printing the report in the RECORD?

There was no objection.

The report (by Mr. Wolverton) is as follows:

The Committee on the Judiciary, to whom was referred the resolution introduced by Mr. Kilgore March 2, 1894, respectfully report as follows:

Section 6, Article I, of the Constitution says:

"Senators and Representatives shall receive a compensation for their services to be ascertained by law and paid out of the Treasury of the United States."

Section 5 of the same article provides:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

The act of August 16, 1856 (Stat. L., volume 11, page 48), provides the following compensation for members of Congress:

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress and mileage as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for the first session, and, on the first day of each month thereafter during such session compensation at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid: and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of $3,000 per annum until the 4th of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive any balance of the $6,000 not theretofore paid in the monthly installments above directed."

This remained the law regulating the compensation of members of Congress until the act of 1866 (Statutes at Large, volume 14, page 323), which provides:

"That the compensation of Senators, Representatives, and Delegates in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

From this time until the passage of the act of 1873 the compensation remained at $5,000 per annum. On March 3, 1873 (Stats. L., volume 17, page 486), provision was made in the appropriation bill as follows:

"Each Senator, Representative, and Delegate is entitled to a salary (except as to the Speaker) of $7,500 a year."

And provision was made that it commence at the beginning of that Congress. This is generally known as the "salary grab act." It was promptly repealed in the following year by the act of January 20, 1874 (volume 18, Stats. L., page 4). By this act Congress repealed so much of the act of March 3, 1873, as increased the salaries of members of Congress to $7,500 per year, and provided that the same shall be as fixed by the laws in force at the time of the passage of the act of March 3, 1873.

This, in effect, revived the laws as they stood prior to March 3, 1873, and was, in effect, a reenactment of them. Section 40 of the Revised Statutes is the sixth section of the act of 1856 above recited, by which the salary of each member was fixed at $6,000 for the Congress, or $3,000 per annum. It was introduced because of the argument against fixing an annual salary for members of Congress, that they would absent themselves because of the fixed salary per annum and neglect public business. It is as follows:

"SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or some member of his family."

Under the provisions of this section of the Revised Statutes there can be no question but that a member of Congress is not entitled to receive pay for any day when he is absent from the House unless he can assign as the reason for his absence his own sickness or the sickness of some member of his family, and it is purely a question for him to consider whether, if he desires to attend to his personal business, it will be worth more to him than his daily pay or salary as a member of Congress, or, if he chooses to absent himself on a trip for pleasure, whether he prefers that to drawing his per diem salary or the amount of the salary which he would have been entitled to receive if he would have been in attendance in the House.

This was enacted in 1856 and was observed until about the Thirty-seventh Congress, during the war, when quite a number of members of Congress were officers in the Army, and the enforcement of the provisions of this section was waived, and it has not since been rigidly enforced. The practice under this section, your committee is informed, was to require each member to state on his honor at the end of the month, or the time he drew his pay, how many days he was absent in violation of the provisions of this section. Deduction was then made from his salary and the amount so deducted covered into the Treasury.

This law has never been repealed either directly or by implication and is in force to-day, and, in the opinion of your committee, it is the duty of the Sergeant-at-Arms to make the deduction required by this act from the salary of each member at the time he draws his pay.

It may in many cases work a hardship, but it is the law, and as long as it remains upon the statute books should be enforced. It became a law in 1856 and was a part of the act which fixed the salary of members at $3,000 per annum. In 1866 the amount of this salary was changed to $5,000 per year, and in 1874 the law fixing the salary at $5,000 a year was reaffirmed and reenacted, but no law has ever been passed since 1856 changing either by implication or directly the terms of section 40 of the Revised Statutes.

The resolution as originally introduced called upon the Sergeant-at-Arms to show cause why he had violated the provisions of this statute, as his predecessors had not for many years enforced this statute.

Your committee have prepared a substitute for the one presented in the House on March 2, 1894, by Mr. Kilgore, as follows:

"Whereas the laws of the United States, section 40, chapter 4, of the Revised

Statutes, provided that the Sergeant-at-Arms shall deduct from the monthly payment of each member the amount of his salary for each day that he has been absent from the House, unless such member assigns as the reason for such absence the sickness of himself or of some member of his family; and

"Whereas the provisions of said section 40 have been diregarded for many years and great abuses have grown out of such disregard of the law: Therefore,

"*Be it resolved*, That the Sergeant-at-Arms strictly observe and enforce the provisions of said section 40 and report to the House monthly his proceedings thereunder and each month pay into the Treasury of the United States the sums deducted in the due observance and enforcement of the law as declared in said section."

Your committee recommend the passage of the foregoing as a substitute for the original resolution.

The views of the minority (by Mr. WILLIAM A. STONE) which were subsequently ordered to be printed in connection with the report (see below) are as follows:

A minority of the Committee on the Judiciary, being unable to concur in the report of the committee, respectfully submit their views as follows:

The act of March 16, 1856 (Statutes at Large, volume 2, page 48), fixing compensation for members of Congress, provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress, and mileage as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for the first session, and on the first day of each month thereafter during such session at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of $3,000 per annum, until the 4th of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive the balance of the $6,000 not theretofore paid in the monthly installments above directed."

The sixth section of that act, now known as section 40 of the Revised Statutes, provides—

"*And be it further enacted*, That it shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate, respectively, to deduct from the monthly payments of members as herein provided for, the amount of his compensation for each day that such member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as the reason for such absence the sickness of himself or of some member of his family."

A joint resolution was passed by Congress, approved December 23, 1857, which changed the act of 1856 only in regard to the payment of all compensation which had matured up to the beginning of the sessions of Congress, at the beginning of the Congress, instead of at the end of the session. We do not find that it affects the question at issue, and only refer to it because it is the next step in legislation upon this subject.

In 1866 Congress passed an act relating to the compensation of members (see Statutes at Large, volume 14, page 23) which provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

When this law went into effect the practice of deducting any portion of the monthly payment to each member on account of absence was abandoned, and the members were paid, under the act of 1866, one-twelfth of $5,000 on the fourth day of each month.

The question is whether or not the act of 1866 repeals the act of 1856. This is really the main question at issue. There is no language in the act of 1866 which expressly repeals the act of 1856, and, if it is so repealed, it is only by implication. There is no doubt but that the first section, providing a compensation of $6,000 for each Congress and for its payment on the first day of each month while Congress was in session, at the rate of $3,000 per annum for the days on which the member was present at the session, and for the days upon which the member was absent on account of sickness, and the residue at the end of the session, is repealed. And in fact it is not claimed that any part of the act of 1856 pertaining to compensation is still in force, except the sixth section, now known as section 40, Revised Statutes. The question then is, Has the sixth section, as well as the rest of the act pertaining to compensation, been repealed by the act of 1866, or was it in force from and after the passage of that act? The rule of law governing the repeal of statutes, impliedly, by subsequent statutes, is well understood. It was held in Milne *vs.* Huber (3 McLean, 212) and in the United States *vs.* Irwin (5 McLean, 178) that "a later statute repugnant to a former one on the same subject-matter, so that they can not stand together, repeals it by implication."

And again, in Daviess *vs.* Fairbairn, reported in 3 Howard, 656, it was held "that if the subsequent statute is not repugnant in all its provisions to a former one, yet was clearly intended to prescribe the only rule, it repeals the former."

In Johnson's estate (33 Pa. Reports, 511) and Gwinner *vs.* Railroad Company (55 Pa., 126) it was held—

"That a subsequent affirmative statute is a repeal by implication of a former one made concerning the same matter if it introduce a new rule upon the subject and be evidently intended as a substitute for the former law."

In Com. *vs.* Crosscut Railway Company (53 Pa. Reports, 62) it was held—

"That if two acts be inconsistent the latter must prevail."

Is the act of 1866 repugnant to that part of the act of 1856 known as the sixth section? This section declares it to be the—

"Duty of the Sergeant-at-Arms of the House and the Secretary of the Senate, respectively, to deduct from the monthly payment of members, as herein provided for, the amount of his compensation for each day that such member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as the reason for such absence the sickness of himself or of some member of his family."

The language is specific, and is "to deduct from the monthly payments of members as herein provided for," clearly meaning that the deduction was to be made by the Sergeant-at-Arms from the monthly payments of members as provided by the act of 1856. We look to the first section to see how the monthly payment of the member is provided for, and we find that the member was to receive on the first day of each month during the session compensation at the rate of $3,000 per annum. The member was not paid by the year, but by the session at the rate of $3,000 per annum on the first day of each month. Or, in other words, during the session, on the first day of each month, he was to receive $250, provided he had been in attendance regularly each day during the previous month. Remember that under the act of 1856 there was no provision for payment for absent days while Congress was in session. And it was the duty of the Sergeant-at-Arms to keep time upon the members and make the deductions for absent days, unless the member assigned sickness as a reason for his absence. The Sergeant-at-Arms was to deduct from the monthly payments, as in that act provided for; and the monthly payments in the act provided for being $250 per month, he could only deduct for each absent day in a month of thirty days the sum of $8.33, that being the amount of his compensation for each day.

Now, the act of 1866 declares that the compensation of each member shall be $5,000 per annum. There is no authority in the sixth section to deduct from the monthly payment of members as provided for in the act of 1866, but the authority of the sixth section is limited to deducting from the monthly payments of members as provided for in the act of 1856. You can not stretch the authority to deduct from the monthly payments of members beyond the limit expressly provided for in the act of 1856.

And as the payment there provided for could not exceed $8.33 per day in any month of thirty days, then if the sixth section is still in force, it would not authorize a deduction of more than $8.33 per day for absence.

At present our purpose is to confine ourselves strictly to the question whether the act of 1866 repealed the sixth section of the act of 1856 by implication. Is it repugnant to the act of 1866? And to say that the sixth section was intended by the Congress which passed the act of 1866 to stand, and authorize the deduction of $8.33 from a daily compensation amounting to $13.70, is but stating a proposition which bears upon its face the best evidence of repugnance.

Again, the act of 1856 was clearly intended, not only in the sixth section but in the first section, to insure the constant attendance of members upon the sessions of both Houses. The compensation was to be $6,000 for each Congress. It was not to be by the year or the month, but at the rate of $3,000 per annum, and the member was really not awarded, or intended to be awarded, any compensation for the days absent for any cause save sickness. But the act of 1866 changes the whole plan of compensation and puts the members upon a salary of $5,000 per annum. It makes no provision for deduction on account of any absence whatever, and in our judgment repeals the sixth section of the act of 1856 by implication as plainly and as clearly as it repeals the first section.

The best evidence that this was the intention of Congress is the fact that for twenty-eight years the sixth section of the act of 1856 has been treated by every Congress and every Speaker as repealed, and no attempt has been made during all these years to enforce it, nor has any member observed its provisions. We are, therefore, forced to the conclusion that the sixth section of the act of 1856 was repealed by the act of 1866 by implication.

But it is claimed that by the enactment of the Revised Statutes on June 22, 1874, the sixth section of the act of 1856 was reenacted and continued in force, and we now proceed to consider the second question involved.

In the appropriation bill approved March 3, 1873 (Stat. L., volume 17, page 486), the salary of members was increased to $7,500 per year. On January 20, 1874 (Stat. L., volume 18, page 4), Congress enacted as follows:

"That so much of the act of March 3, 1873, entitled 'An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874,' as provides for the increase of the compensation of public officers and employees, whether member of Congress, Delegates, or others, except the President of the United States and the justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act."

This act not only repealed that part of the act of March 3, 1873, fixing the salary of members of Congress at $7,500 per year, but it enacts that the salaries, compensation, and allowances of members shall be as fixed by the laws in force at the time of the passage of said act on March 3, 1873.

In Bradshaw *vs.* United States (14 C. Cls. Report) it was held by Judge Richardson—

"That the act of January 20, 1874, repealing the increase of salaries act and providing that the salaries, compensation, and allowances of all such persons shall be fixed by the laws in force at the time of the passage of said act, was intended to restore salaries and officers and employees to the same status of compensation that they previously occupied."

We turn now to that date, viz, March 3, 1873, and find, if our reasoning on our first proposition is correct, that at that time the act of 1866 was in force, fixing the compensation of the members at $5,000 per annum and repealing the act of 1856, including the sixth section of that act.

But it is claimed that section 40, Revised Statutes, was enacted with the enactment of the Revised Statute and is yet law. That would be true but for the saving clause in section 5601, Revised Statutes, which the committee seem to have overlooked in their report. That section provides as follows:

"The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December, 1873, and all acts passed since that date are to have full effect as if passed after the enactment of this revision. And so far as such acts vary from or conflict with any provision contained in said revision, they are to have effect as subsequent statutes and as repealing any portion of the revision inconsistent therewith."

Now, the act of January 20, 1874, repealing the act increasing salaries of members of Congress and other officers, was passed after the 1st of December, 1873, and as that act expressly reenacts the laws fixing the salaries and compensation of members in force on March 3, 1873, which was the act of 1866, fixing salaries of members at $5,000 per year, the status is the same as if the act of 1866 was reenacted on January 20, 1874, by express words, and under and by virtue of section 5601, Revised Statutes, the fortieth section of the Revised Statutes, which is the sixth section of the act of 1856, is not to affect the act of 1866 reenacted by the act of January 20, 1874, because the act of January 20, 1874, was passed subsequent to December 1, 1873, the date when the Revised Statute went into effect. In Bradshaw *vs.* United States (14 Ct. Cls. Reports, page 81), it is held—

"The Revised Statutes were passed June 22, 1874, but embraced the statutes in force December 1, 1873 (Revised Statutes, section 5595). Between those dates Congress passed many acts repealing and altering previous statutes which were incorporated into the revision. It is, no doubt, the correct construction that all such acts are to be taken as having, to that extent, altered the Revised Statutes."

We therefore respectfully submit that the Sergeant-at-Arms has no legal authority to withhold from the members any portion of their salary on account of absence.

WILLIAM A. STONE,
ROBERT A. CHILDS,
THOMAS UPDEGRAFF.

Mr. WANGER. Mr. Chairman, it seems to me there is a view of this question which has not been presented to the House. It is this, that it was not entirely a legal question with a member in signing a certificate as to whether section 40 of the Revised Statutes was repealed or not. It was not simply a question whether the facts were presented to the Sergeant-at-Arms or not. The views of the then Speaker of the House were what controlled, for his certification was essential before payment. The Speaker took

the view that section 40 was in force, and required every member of the House to certify, not whether any deductions ought to be made, but whether they ought to be made by section 40 of the Revised Statutes.

Now, there were those of us on this side of the House who took the view that, while section 40 of the Revised Statutes was repealed by implication, the Speaker, by his action in courteously relying upon our statements and acting thereon without question, practically put us upon honor to disclose to him whether we had been absent for other causes than sickness of ourselves or members of our families. Gentlemen did not all take that view; but some of us did, and added to the certificates when we certified to the fact of absence that these deductions ought only to be made in the event that section 40 of the Revised Statutes was unrepealed. All reservations of that kind were disregarded and the deductions were made. Now, I submit to those who took the view that the section was repealed and that they were not bound in honor to disclose the facts to the Speaker that it is scarcely fair to punish us whose judgment was different because a minority of the Fifty-third Congress refused to take the action now proposed in this bill.

On March 2, 1895, in the closing days of the Fifty-third Congress, 150 members voted for the passage of a resolution against 70 who voted in the negative, to direct the Speaker to certify to the Sergeant-at-Arms for the payment of those balances. It required a two-thirds vote to pass the resolution, and 15 members answered "Present." Only for that reason did the House of Representatives of the Fifty-third Congress fail to provide for making these payments.

Mr. Chairman, I send to the Clerk's desk and ask to have read the remarks of the gentleman from Indiana [Mr. Bynum] found on page 3161 of the RECORD of that Congress.

The Clerk read as follows:

Mr. BYNUM. Mr. Speaker, I have been absent but one day since this construction of the statute has been enforced. I have not been sick a single day. So that so far as the effect of the law is concerned, I have no practical interest in it. I do not know that I should vote for this resolution had the construction been uniform. It, however, is a question, and a close question, whether it is or is not the law. A great many members of the House insist that the act of 1866 repealed the act of 1856; and they are strongly supported by the fact that after the act of 1866 became the law no deductions whatever were made for absence until the present session of Congress. No effort was made to enforce the provision of the act of 1856 which required a per-diem deduction on account of absence. For twenty-eight years it was the uniform construction of every Congress that the act of 1856 was not in force.

Now, the Senate of the United States is controlled by the same statute. The best lawyers in the Senate insist that the act of 1856 was by implication repealed, and the Senate has refused, even since the House has attempted to enforce it, to place any such construction upon it. Furthermore, Mr. Speaker, the members of the Judiciary Committee of the House are divided on this question; and a majority of the legal profession, I believe, are of the opinion that no deductions of pay are required.

Mr. WILLIAMS. Mr. Speaker, independent of the question as to whether this law under which this action was taken be still existing as a valid law or not, this House acted practically as if it were operating under a rule of the House, after a decision by the political majority of the House that it would so operate. There is no doubt of the fact that this House had a right to pass any rule to regulate its own business and to enforce the attendance of its members. It has now the right to pass a rule to fine a member $10 or $14 for each day of his unexcused absence. Whether that fine be put in the form of a deduction from his salary or a fine to be collected in some other manner makes no difference. The gentleman from Illinois [Mr. HOPKINS] has made an appeal to the Republican side of this House, which I hope will be heeded, as it should be.

I want to appeal to the Democratic side of this House now not to stultify itself by coming here in one Congress and sustaining a rule one of the consequences of which was to take money out of the pockets of some of its members, and then come back in a subsequent House and declare that that rule was wrong because it has taken the money out of the pockets of some of its members. It seems to me that if it was the law then it is the law now. If the Speaker of the House had the power to do what he did, this House ought to sustain that power and not carry itself back. I hope the Democratic members of the House will not put themselves in the position before the country of self-stultification, and, as it seems to me, of almost worse than that, which this action, in my opinion, would put them.

Mr. JOHNSON of Indiana. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state his question of personal privilege.

Mr. JOHNSON of Indiana. Mr. Chairman, in the course of the remarks made by the gentleman from Ohio [Mr. GROSVENOR] I injected a statement in which I defined what I considered to be the position assumed in this debate by the gentleman from Texas. I remarked that his position seemed to be a peculiar one, that of talking one way and voting the other. Now, the gentleman from Texas rose, I thought, in unseemly haste and placed upon my remarks a construction not intended by me.

Mr. SAYERS. I did not intend to do that. I did not know that the gentleman made the remark.

Mr. JOHNSON of Indiana. The gentleman seemed to think that if a man was inconsistent he must necessarily be dishonest; and the answer made was that never since he had been a member of this House had he been in the habit of voting one way and talking the other way, an answer broader than the accusation I had made against him. I only had reference in what I said to this specific instance.

Mr. SAYERS. I withdraw all I said about the gentleman.

Mr. JOHNSON of Indiana. Now, the gentleman is a member of the committee which reported the measure under consideration. He did not see fit to rise upon this floor and make a motion to strike out the objectionable feature, but left it to another gentleman, not connected with the committee, to make that motion. Now, I understand the gentleman's position, according to his own statement, to be that he proposes to vote in favor of this motion striking out the obnoxious feature of the bill. Whether or not such a vote is inconsistent with the statement that he has made in debate upon this question, I leave the RECORD to attest. Gentlemen who have heard his remarks upon the pending motion will bear me out in the statement that not a solitary thing has been said by him that does not militate against the motion to strike out. Herein lies the justification of the observation made by myself while the gentleman from Ohio was speaking.

Mr. WASHINGTON. I make the point of order that the gentleman is not speaking to a question of privilege at all.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of Indiana. Mr. Chairman, the time has passed in this House when any gentleman can be carried off his feet without retaliating. We had that demonstrated here the other day.

The CHAIRMAN. The gentleman from Tennessee has raised the point of order that——

Mr. JOHNSON of Indiana. I am proceeding to state——

The CHAIRMAN. That the gentleman is not speaking to a question of order.

Mr. JOHNSON of Indiana. I am endeavoring to proceed in order. I must choose my own language and the manner in which I shall arrive at my question of personal privilege.

The CHAIRMAN. The Chair holds that the point of order is well taken.

Mr. JOHNSON of Indiana. I ask leave to proceed in order.

Mr. MCMILLIN. I suggest to the gentleman that when a point of order is made and sustained there is but one thing for him to do, and that is for him to be seated; but that on a motion of a member he may be allowed to proceed. I feel no interest in the matter except to state that.

Mr. LEWIS. I make the motion that the gentleman be allowed to proceed.

Mr. JOHNSON of Indiana. I would now like to make an inquiry of the Chair.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. CANNON. Now, Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana rose to a parliamentary inquiry.

Mr. JOHNSON of Indiana. Now, what I desire to ask is this: Whether when a member is proceeding with a matter of personal privilege he is to be the judge of the language he is to use and the way in which he is to reach that question?

The CHAIRMAN. When a gentleman is stating a question of personal privilege, and any member of the House rises to the point of order, it is for the Chair to determine whether it is a question of personal privilege or not.

Mr. JOHNSON of Indiana. The question of sustaining a point of order, I believe, is subject to appeal.

The CHAIRMAN. Certainly.

Mr. JOHNSON of Indiana. Is the Chair to determine, or the member himself, the manner in which he shall reach his question of privilege—the character of the language he is to employ?

The CHAIRMAN. The Chair can not lay down an invariable rule in regard to that.

Mr. JOHNSON of Indiana. Precisely.

The CHAIRMAN. But the Chair thinks it must be manifest to the gentleman himself——

Mr. JOHNSON of Indiana. But the Chair is doing that very thing now—laying down an invariable rule.

The CHAIRMAN. Will the gentleman hear the Chair a sentence? The Chair thinks it must be manifest to the gentleman himself that what he was stating was not a question of personal privilege. If, therefore, another gentleman asks that the gentleman be allowed to proceed, the Chair will hear him.

Mr. JOHNSON of Indiana. I desire to say that I have no difficulty whatever in hearing the remarks of the Chair, in view of the exceedingly loud tone of voice in which they are made.

Now, what I desire——

The CHAIRMAN. The gentleman from Indiana will please be in order.

Mr. JOHNSON of Indiana. Certainly. "The gentleman from Indiana" has no desire to be otherwise than in order. The Chair has hit the pith of the matter in the statement that it was impossible to lay down arbitrarily in what language a member should be allowed to proceed.

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair? Otherwise debate is out of order.

Mr. JOHNSON of Indiana. I will not appeal from the decision of the Chair. I do not consider it of sufficient importance for that. I have stated practically what I rose to state, and am reasonably well satisfied.

The CHAIRMAN. The gentleman from Indiana will be in order.

Mr. JOHNSON of Indiana. I twice asked permission of the Chair to be recognized, and the Chair denied me that right; and I took the guise of personal privilege with the view of saying what the Chair had denied me the opportunity to say in the regular way, and I have said it and am satisfied. [Laughter.]

The CHAIRMAN. Will the gentleman from Indiana take his seat and be in order?

Mr. JOHNSON of Indiana. Why, with pleasure. [Laughter.]

The CHAIRMAN. The Chair is obliged to state that many gentlemen asked to be recognized upon this amendment after the time for debate had been limited to half an hour. The Chair parceled out the time to gentlemen who asked for it in the order in which they made application. Several gentlemen applied after the time had been parceled out, and among the latest the gentleman from Indiana [Mr. JOHNSON] sent a request to the Chair for recognition. The Chair sent to the gentleman a statement of the facts in the case, and that is the only refusal the Chair made to recognize the gentleman from Indiana.

The gentleman from Illinois [Mr. CANNON] is now recognized for the balance of the time remaining under the order of the committee—five minutes.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the views of the minority of the Committee on the Judiciary of the Fifty-third Congress upon this question may go into the RECORD with the majority.

There was no objection, and it was so ordered.

Mr. CANNON. Mr. Chairman, of my five minutes, I yield one minute to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, I wish to call the attention of the committee for a moment to the form of the certificate that was commonly accepted. In the start, it was insisted that the blank should be signed in precisely the form in which it was printed. Subsequently, the Speaker modified his opinion and permitted members to insert the word "legally," so that a member could certify: "I have been absent ——— days, for which no deduction should be legally made." That form of certificate was commonly used. However, $12,000 or $13,000 was deducted from salaries where members appended a statement that they had been absent so many days for which deduction ought not to be made.

Now, there is just one other question. In the last Congress we were divided as to what the law meant. Republican members generally believed that that old statute was inoperative——

[Here the hammer fell.]

Mr. CANNON. I yield one minute to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. There is just one question at issue here, and that is whether this money was wrongfully or rightfully withheld. This side of the House think it was wrongfully withheld and ought to be paid. The other side of the House think, or thought at the time, that it was rightfully withheld. Therefore it would be entirely consistent for them to vote to continue to withhold it. That is all there is in the matter.

Several MEMBERS. That is all.

Mr. CANNON. Now, Mr. Chairman, a word in conclusion of this discussion. Section 40 of the Revised Statutes, if it was in force in the last Congress, authorized the withholding of these salaries. If it was not in force, the money is due to members of the last Congress to the extent of $12,000. It was the Democratic contention that the statute was in force, and a majority of the Judiciary Committee of that Congress said that it was. The minority of the Judiciary Committee thought it was not in force, and many Republicans took that ground. Those Republicans and those Democrats who believed that the statute was repealed certified, notwithstanding their belief, in the form that has been read from the desk. Those who believed the statute was in force, or who were in doubt and upon their consciences did not desire to certify to a falsehood, also made certificates, and the deductions were made from them. My colleague from Illinois [Mr. HOPKINS] says that the law was not in force. He was paid in full. Other gentlemen said they were not sure, and they were paid only in part. Now, to-day, if we appropriate this money, it is saying that, in the legislative opinion of this House, that statute is not in force. If we refuse to appropriate this money, then we say that the construction placed by the last Congress upon that statute was correct, and that it was and is in force. That is the whole matter, and now I am ready for a vote.

Mr. HOPKINS of Illinois. One moment——

The CHAIRMAN. The time for debate has expired by order of the committee.

Mr. BARTLETT of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BARTLETT of New York. I make the point of order that no member of the Fifty-third Congress whose name appears on the list of those from whom deductions were made has the right to vote on this question. I make the point under the rule which provides that—

> No member shall vote on any question if he has a direct personal or pecuniary interest in the event of such question.

Now, in the Forty-third Congress——

The CHAIRMAN. That rule is undoubtedly in force, and it is for each member to determine whether he is interested in the question or not.

Mr. BARTLETT of New York. Will the Chair hear me on that question for one minute?

The CHAIRMAN. The Chair will hear the gentleman. The Committee of the Whole will come to order.

Mr. BAILEY rose.

The CHAIRMAN. When order is restored, the Chair will recognize the gentleman from New York [Mr. BARTLETT] to be heard further on the point of order.

Mr. BAILEY. Mr. Chairman, I understand——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. BARTLETT of New York. Yes.

Mr. BAILEY. One word on the question of order. I understand the Chair to decide, so far as the Chair can decide the question, that the rule forbids members who are interested in the decision of this question from voting. Now, I am perfectly sure that the object of the House in adopting the rule in question was to prevent members from voting in favor of their own interests. The rule could not have been intended to prohibit members from voting adversely to their own interests. I am perfectly sure, therefore, that while gentlemen who are interested in the refunding of this money might or might not feel a delicacy in voting against the amendment and for the appropriation, gentlemen who are interested can not be criticised if they vote against the appropriation. That is my own attitude in the matter. I am interested, but I am going to vote against the appropriation.

The CHAIRMAN. The Chair simply stated to the gentleman from New York that the rule is still in force, and that members of the House must decide for themselves how they shall vote. If a member actually interested in the question within the meaning of the rule should vote, then, in the opinion of the Chair, the question might be raised and the vote challenged. But the Chair hardly feels called upon to decide in advance who may or may not vote under the terms of the rule.

Mr. BARTLETT of New York. Now, if the Chair will permit me, I should like to say one word.

The CHAIRMAN. The gentleman from New York is recognized on the question of order.

Mr. BARTLETT of New York. The rule is broad. It says no member shall vote on any question in which he is interested. It is voting at all that is inhibited; it is not voting one way or the other. We will assume, for instance——

Mr. GROSVENOR. Under the gentleman's construction of the rule, how can we pass an appropriation bill by the votes of members of the House, if it contains appropriations for their salaries?

Mr. BARTLETT of New York. Because we are interested in such an appropriation bill as a class, not as individuals. In this particular question we are interested as individuals.

Mr. WILLIAM A. STONE. I rise to a point of order.

Mr. BARTLETT of New York. I decline to be interrupted.

The CHAIRMAN. The gentleman from New York is arguing a point of order.

Mr. WILLIAM A. STONE. The Chair has overruled the point of order, and I submit that the gentleman is now out of order in continuing his remarks.

The CHAIRMAN. The gentleman from New York desires to be heard further. [Cries of "Vote!" "Vote!"] The Chair has decided that the gentleman from New York is in order. The Committee of the Whole will please be in order, so that the Chair can hear the gentleman.

Mr. BARTLETT of New York. As I understand the rule, Mr. Chairman, a member may vote on a bill in which he has an interest as one of a class; but if his interest be that of an individual,

he is inhibited from voting. That was the decision in the first session of the Forty-third Congress, when the question was raised as to the right of certain members to vote on a bill affecting national banks. Now, here certain members of the Fifty-third Congress have a direct, personal, individual interest in the question at issue, because under the appropriation proposed to be made they will be entitled to varying amounts; they will not all be entitled to the same amount. The position in which one member stands may be very different from that of another member.

Mr. RAY. I should like to ask the gentleman from New York a question.

The CHAIRMAN. The gentleman has declined to be interrupted.

Mr. BARTLETT of New York. Mr. Chairman, it is impossible for me to allow myself to be interrupted by all the able lawyers on the other side of the House and still adhere to the trend of my argument. I will allow the gentleman to interrupt me in a moment.

Now, the argument of the gentleman from Texas [Mr. BAILEY], whom I concede to be a very able lawyer, is that we must construe the language of this rule as if it read, "No member shall vote on any question in which he is personally interested, provided he is going to vote in favor of the side on which his interest lies." I submit to the Chair and the House that what is prohibited here is that a member who is interested shall speak at all by his vote on a question in which he has a personal interest. He must sit silent; he must cast no vote on the question. Now I yield a moment to the gentleman from New York [Mr. RAY].

Mr. RAY. The position which my colleague from New York [Mr. BARTLETT] takes on this question would prohibit every member of the present Congress from voting upon the pending appropriation, because every member of this House is individually concerned and interested in determining the question whether or not section 40 of the Revised Statutes is in force or has been repealed.

Mr. BARTLETT of New York. I submit, Mr. Chairman, that that is an entirely different proposition. The question now presented is whether the $12,000 carried in this bill shall be paid in varying sums to members of the Fifty-third Congress. It is not a question of a revision or repeal of section 40 of the Revised Statutes. That section either is or is not repealed, and that is all there is of it.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

While the rule is in force it is for each member to determine for himself whether he is interested or will vote on any question.

The question being taken on the amendment of Mr. HOPKINS of Illinois, to strike out the paragraph ending with line 4 on page 55, on a division (demanded by Mr. LACEY) there were—ayes 113, noes 55.

So the motion was agreed to; and the paragraph was stricken out.

Mr. NORTHWAY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 55, after line 4, insert:
"To pay William Tyler Page for clerical services rendered in the Clerk's office during the Fifty-fourth Congress, $500."

Mr. NORTHWAY. Mr. Chairman, while this amendment was not formally agreed upon in the Committee on Appropriations, so far as the members have been seen they desire to have it adopted and incorporated in the bill. It pertains to the services of the assistant clerk of the file room, who has done great service and ought to be paid. So far as the members of the committee have been consulted, they agree that it is an entirely proper appropriation and ought to go into the bill.

The amendment was agreed to.

The Clerk read as follows:

To reimburse the Official Reporters of the proceedings and debates of the House of Representatives and the official stenographers to committees for moneys actually paid by them from March 11, 1896, to March 4, 1897, for clerical hire and extra clerical services, $720 each; and to John J. Cameron $240; in all, $5,280.

Mr. SHERMAN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 55, after line 13, insert:
"To pay John H. Barnsley the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day, from July 1, 1896, to June 30, 1897, inclusive, $594.95."

Mr. BAILEY. Mr. Chairman, I believe the point of order would lie against that proposition. This man was doing nothing at that time.

Mr. SHERMAN. I do not think the point of order ought to be sustained, for if it is sustained a very large number of items in the bill must go out on the same ground. It stands on precisely the same footing with them.

This is a compensation, as will be seen, to pay the person named in the amendment a small sum of money in addition to his regular salary. This particular person is on the rolls as a folder, but does not perform the duty of a folder, while he does perform, and performs exceedingly well, the duties of a messenger to the Committee on Interstate and Foreign Commerce, and also performs the duties of assistant doorkeeper at the door nearest to the Speaker's room, the most important one, perhaps, in the House. He has performed these duties since the beginning of this Congress, and exceedingly well—nobody better. Where others performing similar services, however, are receiving $1,200 a year, he receives but $60 a month as folder, from which he must pay a certain sum monthly to the janitor for the care of the room of the Committee on Interstate Commerce.

It seems utterly unfair and unjust that this official, a courteous gentleman, should perform these duties and receive only half the compensation that other persons performing like services receive.

I hope the gentleman will not insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BAILEY. Mr. Chairman, I move to strike out the last word.

In reply to the statement of the gentleman from New York, I merely desire to say that neither this man nor anyone in his situation was performing any duties on the 1st day of last July. The truth of it is that the Republican party was so greedy for places for its favorites that for the first time in the history of the House it turned out the barbers in the Democratic cloakrooms and filled their places with men who did not perform any services; and now you come here and ask the House to agree to double the salary of this man and others who were doing nothing through all the summer time. You are ready and anxious to vote money to Republican employees, and yet I saw you stand here and vote that the act which provides for the deduction of the salaries of absent members shall apply to a Democratic Congress, and at the same time avowing your determination not to respect that statute when applied to your own cases.

I have seldom witnessed a more despicable piece of pettifogging than the arguments which have been presented on that side of the question. You ask us to say that the member who believes the statute has been repealed shall have no deduction made in his pay, while another who believes that it has not been repealed shall suffer, because his construction of law happens to be against his personal interest. You have advertised yourselves to the country as willing to let the judgment and conscience of the individual member regulate his salary. You have exhibited yourselves to the country as willing that those of us who believe the law is still in force shall obey it, while you, with consciences elastic enough to defy it, go on taking your salaries. You have earned as bad an opinion as the country could pass upon you on so small a question.

I wonder that the great Republican party is willing to carry its partisanship so far. I wonder that it is willing to follow the gentleman from Illinois [Mr. HOPKINS] in his assertion that because the Democratic House, in his opinion, has done wrong a Republican House must not rectify it. He contended then that the rule of the Democratic House was wrong. He was joined by a majority of his associates on that side. Many of you drew your full salary throughout the Fifty-third Congress, contending that under the law you were entitled to it, and yet with that money in your pockets you deny to others what you have taken for yourselves. Either the law had been repealed as to everybody or it was in force against everybody; and I can not comprehend the honesty and logic of men who exempt themselves from the provisions of a statute which they are eager to apply to others. Whatever we may think of your consistency, we thank you for approving the action of a Democratic House, which not only obeyed the law, but which reestablished the sensible and honest rule that when a man was absent on his pleasure or his private business he should not draw salary for public duties which he did not perform. [Applause on the Democratic side.]

The Clerk (proceeding with the reading of the bill) read as follows:

To pay Charles Carter and Harry Parker, for caring for subcommittee rooms of the Committees on Appropriations and Ways and Means, $75 each, $150.

Mr. SHERMAN. Mr. Chairman, I raise the point of order against that item.

Mr. CANNON. I do not think it is subject to the point of order. It is an appropriation that has been made for many years in these precise words, and for the precise purpose, and for services actually performed.

Mr. SHERMAN. Why does it not come in the regular bill?

Mr. CANNON. Simply because it is current law, and has been appropriated for for many years.

Mr. SHERMAN. Why does it not come in the legislative bill instead of in the deficiency?

Mr. CANNON. Because it has always come in the deficiency bill.

Mr. SHERMAN. Well, I do not think that establishes its right to come in the deficiency bill. If it is a matter which should have

come in the legislative bill, why, it should be appropriated for there and not in the deficiency bill. I insist on the point of order.

Mr. CANNON. The Chair can rule.

The CHAIRMAN. The Chair thinks the point of order is well taken.

The Clerk read as follows:

To pay Harris A. Walters the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day from July 1, 1896, to June 30, 1897, inclusive, $594.95.

Mr. SHERMAN. I raise the point of order against that paragraph, Mr. Chairman, beginning with line 23.

Mr. TRACEY. That paragraph is clearly subject to the point of order.

Mr. SHERMAN. It is identical in words with an amendment which I offered, which was stricken out on a point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] desire to be heard on the point of order?

Mr. CANNON. Not at all, sir.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk (proceeding with the reading of the bill) read as follows:

To pay Robert A. Stickney for services rendered in the office of the Clerk of the House of Representatives from January 9, 1896, to March 4, 1897, inclusive, $1,383.34.

Mr. CANNON. I shall not make the point of order on this item.

Mr. SHERMAN. I raise the point of order against that item, Mr. Chairman.

Mr. CANNON. I call attention to the fact that the item is subject to the point of order if the preceding item was.

Mr. SHERMAN. I desire to raise the point of order against it.

Mr. GROSVENOR. I should like to have the gentleman state the facts about this.

The CHAIRMAN. Unless some law is produced authorizing it, the Chair will assume there is none.

Mr. GROSVENOR. I understand this man to have been regularly employed by the Clerk of the House, and that he actually performed the services in the file room.

Mr. MCMILLIN. But the question I submit to the gentleman from Ohio [Mr. GROSVENOR] is whether the Clerk had the authority to make this employment.

Mr. GROSVENOR. Yes; I think so.

Mr. MCMILLIN. There is no such authority, I think.

Mr. TRACEY. Mr. Chairman, I desire to say, in connection with that paragraph, the point of order having been made, that at the first session of this Congress a resolution was offered and referred to the Committee on Accounts, embodying the matters stated in this paragraph. That committee made an investigation and determined against the resolution, and reported it adversely to this House in June, 1896, and the report of the committee, adverse to the resolution, was ratified by a vote of the House. Hence there can not be any existing law under which the appropriation is asked.

The CHAIRMAN. The Chair will sustain the point of order, and the Clerk will read.

Mr. CANNON. Now, Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. CANNON. No.

Mr. GROSVENOR. Did the Chair rule on the point of order?

The CHAIRMAN. The Chair did rule; but if the gentleman desires to be heard, the Chair will hear him.

Mr. CANNON. I do not desire to be heard now. I want to say a word on the merits, and will when we reach another paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GROSVENOR. I think the Chair is ruling perhaps without full knowledge.

The CHAIRMAN. The gentleman from Missouri [Mr. TRACEY] stated that the Committee on Accounts had investigated the subject, and that they found no law authorizing this employment. The Chair has made the ruling on that statement.

Mr. TRACEY. There is no question but that Robert A. Stickney has done this work, and is still doing it. But I stated that the resolution authorizing his employment was referred to the Committee on Accounts. I think the resolution authorized his payment out of the contingent fund. The committee made an investigation and reported the resolution adversely, for reasons that were satisfactory to the committee, and that report was ratified by a vote of the House in June, 1896, and there has been no subsequent action taken.

Mr. GROSVENOR. This young man had been at work, and working right along every day since.

Mr. TRACEY. There is no question about his doing the work.

Mr. GROSVENOR. And now he ought to be paid for it.

Mr. TRACEY. There is no doubt he ought to be paid; he did the work.

Mr. DOCKERY. I would suggest that the appeal should be addressed to the gentleman from New York, who raised the point of order.

Mr. GROSVENOR. I have no interest in this, but it seems to me that when an intelligent young man is employed by the House of Representatives, or by the Clerk of the House of Representatives, when he pays his board and clothes himself, and does something, whether that is hard labor or not, he ought to be paid for it. I have an old-fashioned idea about not stealing.

Mr. DOCKERY. Had not the gentleman from Ohio better appeal to the gentleman from New York [Mr. SHERMAN] who interposed the point of order?

Mr. GROSVENOR. I hope the gentleman from New York will withdraw the point of order. This is a meritorious claim for a young man who has done work for the House.

Mr. SHERMAN. Has he received no compensation?

Mr. GROSVENOR. None, whatever; and he has paid his board.

Mr. MCMILLIN. I suggest to the gentleman from Ohio that in the proper conduct of the business of this House the action on the part of a committee having jurisdiction upon the matter refusing to employ a man ought to be notice to this man to quit, and that the officers who did employ him ought not to pretend to employ him. That seems to be the case up to June, but from that to some time last year he was not employed with authority. I do not think any officer ought to employ without authority to employ.

Mr. GROSVENOR. He has been doing work for the House that is always required to be done.

Mr. MCMILLIN. But it seems that the Committee on Accounts determined the work was not necessary to be done, and when they do not need a thing done there should not be employment given and they ought not to have it done. I do not know anything about the merits of the case, except what the gentleman says. We ought to have some remedy, or the House will have itself loaded without end with employees. I think every employee required ought to be retained, and all who render service to the House ought to be paid.

Mr. GROSVENOR. I do not understand that the Committee on Accounts said that the labor was not needed.

Mr. MCMILLIN. I understood the gentleman to say the Committee on Accounts determined that it was not necessary to employ a man, and so reported.

Mr. GROSVENOR. Not at all.

Mr. MCMILLIN. I understood the gentleman to say that they so reported to the House. I will ask the gentleman, did I understand that correctly?

Mr. TRACEY. Not at all correctly.

Mr. MCMILLIN. I would like to hear, then, what your statement was.

Mr. TRACEY. Now, I will make a little further statement in order that the matter may be more clearly understood. When the resolution was originally referred to the Committee on Accounts, we made an investigation. I made the larger portion of it myself. I talked with the Clerk of the House, and I talked with the Journal Clerk and with the file clerk. I ascertained first that there was a man detailed to do that work originally, and that after he had been there three months he was taken away and that then this young man went into the Journal Clerk's office. After talking with the Clerk of the House, and after being told by the Clerk of the House that he had no authority to employ him in that capacity, he said that the work was there to be done, and if he cared to do it he could do so. That information comes from the Clerk of the House to me. He went in with that understanding.

Now, the Committee on Accounts took this view of it: That inasmuch as they were charged with the responsibility of payments being made out of the contingent fund, that they at least ought to be consulted before accounts against that fund should be created. That is the view the Committee on Accounts took of it, and, taking that view, they could do nothing else than report that resolution adversely. They did. Now, as to the work. My investigation leads me to conclude that it is absolutely necessary that some one shall be there to do that work that this young man has been doing. I do not believe in the employment of men without authority of the committee charged with the responsibility of payment of the fund, or of the House.

Mr. CANNON. Mr. Chairman, by unanimous consent I would like a few minutes touching this and kindred items.

There was no objection.

Mr. CANNON. In the last Congress, in the Congress before that, in every Congress that I have served in, there have been at least one-third more employees than enough to do all the work. We have not cut them off, we are not going to cut them off, whichever party is in power. The employees are around, they render themselves personally agreeable, and in this House of Representatives we desire to accommodate each other and to accommodate the employees without reference to which party dominates here.

Let me call attention to a few facts. Here in the document room they had enough employees to run the business of that room

without Joel Grayson, but they did not do it. He was appointed. You all understand who he is. In sheer self-defense he was employed to work in that room, and he gets, I believe, $1,500 a year.

Again, in this very room where Mr. Stickney was employed there were enough employees there for one to have been detailed to do this work, but that was not done. Stickney was informed that he could go in there and work and take his chances of being paid. He was out of a job, he was thoroughly competent, and he relied upon the assumed fairness of the House to pay him if he went in and did the work; and he doing work which under proper administration somebody else might have done, the months passed on, and we put this item in the bill, but it is subject to the point of order.

Take another case. The gentleman from Ohio brought in an item of $500 to pay this young man in the file room. He did the work, but why was it necessary for him to do it? On inquiry, we found that the employees there wanted three or four months' vacation, and bundled up and went off, and this poor boy, being quite as competent as any of them, went in and did the work and took his chances of being paid. The committee did not feel like turning him down, and the point of order was not made on that item.

Again, take those two boys whose item went out on a point of order. They are laborers who have been attending to two large committee rooms. They have been there for years, and this allowance—$75, I believe—I believe has come to be the yearly provision for each of them. That item went out on a point of order, and rightfully when the point was made. Now, I have stated very frankly why these items were put in the bill, and I trust that if any of them go out. they will all go out.

Mr. MOODY. Whose fault is it that we have this superfluous number of employees?

Mr. CANNON. It results from the desire of members of this Congress and the desire of members of the last Congress and the desire of members of every Congress in which I have served to have their friends appointed on the House force somewhere.

Mr. FLETCHER. By whom were they appointed?

Mr. CANNON. By the Clerk and by the Doorkeeper and the officers generally. It is so now, it always has been so, and I suspect that as long as human nature remains as it is, it will continue to be so, at least during the gentleman's lifetime and mine. That is all I have to say about it.

The Clerk read as follows:

To pay Guy Underwood the difference between the pay of a laborer and that of a messenger in the hall library, at the rate of $3.60 per day from July 1, 1896, to June 30, 1897, inclusive, $594.

Mr. SHERMAN. I make the point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay, under resolutions of the House, Isaac R. Hill, at the rate of $1,500 per annum; Thomas A. Coakley, George L. Browning, and George Jenison, at the rate of $1,200 per annum each; C. W. Coombs, at the rate of $1,800 per annum, and James F. English, at the rate of $900 per annum, from March 4 to December 1, 1897, inclusive, $5,799.50.

Mr. HULL. Mr. Chairman——

Mr. CANNON. I call my friend's attention to the fact that even-handed justice should be done.

Mr. CROWTHER. I make the point of order, Mr. Chairman.

Mr. McMILLIN. These are not on the same footing as the others. These men were employed by resolution of the House.

Mr. SHERMAN. Mr. Chairman, the gentleman from Illinois has called my attention specifically to this paragraph, inviting me, as he did on prior paragraphs, to raise the point of order. It seems to me that there is a difference between this and those other paragraphs. This is a courtesy that has been extended to the minority for a great many years. When the Republicans were in a minority, the same courtesy was extended to them, permitting them to name certain employees of the House, and for that reason, because it has been customary to extend this courtesy to the minority, I do not wish to accept the invitation of my friend from Illinois to raise the point of order.

Mr. HULL. Mr. Chairman, I desire to raise a point of order against one of the men named in this paragraph, C. W. Coombs.

Mr. McMILLIN. Mr. Chairman, I make the point of order that the gentleman's point comes too late, the question having been debated.

Mr. HULL. I tried to address the Chair as soon as the reading was concluded.

Mr. McMILLIN. I think the record will show that there was no point of order made before the discussion.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that the gentleman from Missouri [Mr. CROWTHER] made the point of order before the gentleman from New York took the floor.

Mr. CROWTHER. Mr. Chairman, I would like to have a ruling of the Chair on the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CROWTHER. That this is new legislation.

Mr. WILLIAM A. STONE. In reply to that, Mr. Chairman, I think we ought to have the facts, and the facts are that the House passed a resolution authorizing the employment of these men.

Mr. GROSVENOR. For services to be rendered after the House was dead?

Mr. CANNON. It is subject to the point of order. It is merely a question whether the House wants to pass this by unanimous consent or not.

Mr. HULL. Mr. Chairman, I rise to a parliamentary inquiry. There is one gentleman named in this paragraph against whom I wish to make a point of order. I remember distinctly the way in which he was put on the roll and the time to which his employment was limited, and I want to ask the Chair this question: If the point against the entire paragraph is not sustained, what effect will that have upon a point of order against a particular item in the paragraph? I understand that the gentleman from Missouri [Mr. CROWTHER] raises a point of order against the entire paragraph.

The CHAIRMAN. The Chair thinks that raising a point of order against the entire paragraph would not preclude raising a point against any particular part after the decision of the other point of order.

Mr. HULL. That is exactly what I supposed. But I want it clearly understood that my right to raise a point of order upon a part of the paragraph in this particular case is reserved.

Mr. DOCKERY. I think the Chair will find it specifically stated in the rules that when any part of a paragraph is subject to a point of order the whole paragraph is obnoxious to the rules.

The CHAIRMAN. That may be true.

Mr. DOCKERY. I think the Chair will find it to be correct.

Mr. FOOTE. I should like to know the rate at which the gentlemen named in this paragraph are now paid, whether the paragraph allows them their present rate of pay or gives them an increased rate?

The CHAIRMAN. That is not a parliamentary inquiry. Perhaps the chairman of the Committee on Appropriations can answer it.

Mr. CANNON. What is the gentleman's question?

Mr. FOOTE. I should like to know whether the rate proposed to be paid to the gentlemen named in this paragraph is the same that has been paid heretofore, or whether the paragraph proposes an increase?

Mr. CANNON. I understand there is no increase proposed. I can put the Chair and the House in possession of the exact facts. This paragraph is the usual form of such paragraphs—like those that have gone out on points of order. Paragraphs of this kind have appeared in the bill during many years. These people are employed at this time under a resolution of the House, and are paid from the contingent fund. Their employment, by virtue of the resolution under which they are now serving, can not go beyond the 4th of March next. A paragraph of the kind now under consideration, carrying employees of this kind over the interval between the expiration of one Congress and the commencement of the next, have been usual in deficiency bills heretofore. But the paragraph is clearly subject to a point of order.

Mr. SAYERS. Mr. Chairman, I wish to state for the information of the House that in all previous Congresses since I have been a member of the Committee on Appropriations the majority have always extended to the minority, no matter which party was in power, the courtesy of adopting just some such provision as this.

Mr. CANNON. That is true; but it was done by unanimous consent.

Mr. SAYERS. Oh, yes; I agree that it is subject to a point of order.

Mr. McMILLIN. They were appropriated for in the general appropriation bill.

Mr. HENDERSON. It can hardly be said that paragraphs of this kind were adopted by unanimous consent. They were brought in as a part of the appropriation bill.

I know that in the case of Captain Currier, from my own district, an old soldier, a Democratic House put him through by resolution, and then, exactly as in this case, a provision was brought in on an appropriation bill to carry him over until the succeeding session.

Mr. McMILLIN. That is true.

Mr. HENDERSON. This bill does for the Democrats exactly what the Democrats did for the Republicans.

Mr. HULL. This does more.

Mr. HENDERSON. I hope that my friend from Iowa will not interpose a point of order against this provision.

Mr. HULL. I would like to be recognized for a minute or two.

Mr. DOCKERY. I appeal to my good friend from Iowa not to make a point of order.

Mr. HULL. The gentleman from Missouri [Mr. CROWTHER] has raised a point of order against the whole paragraph.

Mr. CROWTHER. I reserved the point of order.

Mr. HULL. As a reason for my point of order, if it become necessary to make it, I wish to say that I remember very well the debate which was had on the resolution putting Mr. Coombs upon the pay roll of the House. The minority had been accorded the usual number of officers without Mr. Coombs, but he had been in the employ of the House for a great many years and had placed some members under obligations to him. When the Republicans undertook to fill his place with a new man, it was stated by some gentlemen on this side, as well as by gentlemen on the other, that we needed Mr. Coombs to educate our man. In other words, that a new man could not properly discharge the duties of the office. There was no pretense that two men were needed permanently for the performance of this duty. We have now had our man educated by this gentleman—if he ever needed it; and I never believed that he did. If Mr. Vail can not perform the duties of the office now, let him give way, but do not keep both.

This is a new office created by a resolution of this House to give Mr. Coombs a place until the 4th day of March. I do not believe that the House needs an extra man in this line of duty, or ever has needed one. The man who was appointed to the place was thoroughly competent to discharge the duties of the office from the day of his appointment, and his familiarity with the office now is unquestioned. I do not believe that Mr. Coombs himself can come knocking at the doors of Congress and as an object of charity ask this compensation. Not only he himself, but his son and his grandson are in the employ of the Government, his son, as I understand, holding two offices, the pay of which aggregates $3,600 a year, and spelling his name in one case with two "o's" and in the other case with only one. I believe that the present minority ought to have every courtesy extended to them which has been extended to us when we have been in the minority. I would be the last man to deny this much. But this is not courtesy to the minority, but favoritism for one man. But strike Mr. Coombs from this bill and we shall still extend to the other side the same courtesy which has been extended to us in the past. There are the usual offices accorded the minority still left. On this proposition to eliminate the name of Mr. Coombs from the bill and destroy pure favoritism I trust that my friend from Missouri [Mr. DOCKERY], who as the great economist of this House has taken the place of the sage from Indiana in guarding the Treasury, will unite with me in lopping off an office that is not needed.

Mr. DOCKERY. Yes, sir; always.

Mr. HULL. Of course, I understand that some men are uncharitable enough to say that my friend from Missouri, through the Dockery Commission, discharged many clerks and put in others in whom he was interested.

Mr. DOCKERY. Mr. Chairman, right there I ask the gentleman to yield to me.

Mr. HULL. I will in a minute.

Mr. DOCKERY. I ask the gentleman to yield to me now.

Mr. HULL (continuing). I do not believe, for my own part, in such charges. I hope the gentleman from Missouri will unite with me in striking down this extravagant abuse, inaugurated by a Republican House on the appeal of our Democratic friends, backed by some gentlemen on this side of the House.

Mr. DOCKERY. Will the gentleman yield?

Mr. HULL. Certainly.

Mr. DOCKERY. I want to say to the gentleman that I have not a single appointee in the Treasury Department at Washington.

Mr. HULL. I am very glad to hear it, and know the gentleman's denial will stop such gossip as I have referred to.

Mr. DOCKERY. Let me say further, Mr. Chairman, that the joint commission referred to was always unanimous in its findings, and during the two years of its existence partisanship was absolutely unknown to its deliberations.

The only thing that I attempted to accomplish relating to patronage was to protect the appointees of certain prominent Republicans, gentlemen some of whom I now see before me, and it gave me pleasure to speak in their behalf. I repeat, I have no appointees in the Treasury Department at Washington, and I did what I could to protect the appointees of Republicans on this floor and representatives of my own political faith.

Mr. HULL. Then you and I are together on that, as I have none.

Mr. DOCKERY. There was not one single appointment that came to me as a result of the work of that commission. On the contrary, let me say to the gentleman from Iowa and to the committee that it was probable I could have secured one or two appointments, but I declined to ask this recognition, because I did not want to put myself under the suspicion of effecting reforms that patronage might follow.

Mr. MCMILLIN. Mr. Chairman, I think the gentleman from Iowa [Mr. HENDERSON] has stated with great clearness and a great deal of fairness the real situation of the pending question. The employees who are embraced in the point of order of the gentleman from Missouri do not stand on the same footing as those who have been ruled out on the points of order made heretofore.

In the first place, they are officers of the Government borne on the rolls of the Government by appropriations heretofore made. In the second place, they were retained by a resolution agreed upon in this House, against which there is no decision or opposition, giving to the minority that same courtesy that we when in the majority gave to the other side, now in the majority. There has never been a violation of that courtesy since I have been a member of this body, now some eighteen years past. I trust it will not be insisted that there shall be a violation of it now.

I make that remark as to those who are appointed as a courtesy extended to the Democratic party and selected by caucus, and who are already borne on the annual rolls. A resolution of the House authorized their appointment, and there is not now nor has there been any question as to the propriety or regularity of their appointment.

Mr. HENDERSON. Mr. Chairman, I desire to be heard briefly on the question of order pending.

It is easy to say smart and cutting things. It is the cheapest intellectual production you can find in any legislative body. But I think there are some things that are easier; and one is, to be perfectly fair and candid with each other.

My colleague mistakes the case entirely when he says that Colonel Coombs's friends pleaded for the passage of the resolution in his behalf in order that he might become a teacher or instructor of his successor. I participated in that debate myself in behalf of Colonel Coombs, and used no such argument. I never heard it used until it was used on this floor to-day, from the fresh and gushing memory of my colleague from Iowa.

Colonel Coombs was pleaded for because of the merits of the man, and for that reason alone. I have served here for some fourteen years, and I can not name a man who is more efficient or of greater help to my constituents than C. W. Coombs. It is for that reason that I fought for the resolution to put him on here. I was impelled by no other purpose, Mr. Chairman.

There is a man from my district whose body is full of lead, received for his country, who was put by two Democratic Houses on the rolls as an additional officer, and kept there and tided over the 4th of March by an appropriation bill exactly as this bill.

It is usual; it is simply fair play between side and side of this House, and I beg of the gentleman who makes the point of order to have respect for the traditions of the House, to the courtesies of the House, and withdraw the objection and let this go in as it has done heretofore by the Committee on Appropriations, which ranks second to none in scanning closely matters represented in the bill and recommended to the House.

That is all I desire to say.

Mr. CROWTHER. Mr. Chairman, this case has taken a very wide scope and has developed some remarkable statements. The name of C. W. Coombs on this deficiency appropriation bill is absolutely new legislation. There is no question at all about that. And I well know that the resolution appointing this gentleman a special messenger of this House was adopted at the earnest solicitation of my esteemed friend from Iowa [Mr. HENDERSON]. He tells us that Colonel Coombs has assiduously attended to his constituents. What other member on the floor of this House can get up and say the same thing?

Mr. BINGHAM. I can.

Mr. STEELE. I can.

Mr. GROUT. I can.

Mr. HENDERSON. Let us poll the House and see.

Mr. HEMENWAY. You had better poll the House and see how many members will stand up.

Mr. HENDERSON. I will guarantee that he has refused no request.

Mr. HEMENWAY. We will guarantee that his son is drawing two salaries.

Mr. GROUT. He is not his son.

Mr. HENDERSON. I do not believe he has ever refused to give attention to the request of any member.

Mr. HEMENWAY. His son is drawing two salaries.

Mr. HENDERSON. I know nothing about that, but I do not believe it. He can not do it under the law.

Mr. CROWTHER. In the discussion of the various propositions upon this bill, it has been claimed by gentlemen on the other side that the Republicans were greedy in their desire to obtain place, even so far as to turn out laborers from the barber shop, for the purpose of putting in constituents of their own. Yet here is a Republican House, by nearly 100 majority, that gave this gentleman the position of special messenger, when we had selected another gentleman to fill the position that he had occupied.

Mr. HULL. And if the gentleman will yield for a suggestion, in order to do it, the House created a new office.

Mr. CROWTHER. Created a new office.

Mr. HULL. An office that never was known before.

Mr. CROWTHER. Now, in the development of this discussion, let us see what we find. On page 325 of the Blue Book you will find the name of C. C. Coombs, an attaché of the Surgeon-

General's Office. He is a son of C. W. Coombs, the special messenger of the House of Representatives. He is drawing there $1,400 salary.

Mr. BINGHAM. Is he not under the civil service?

Mr. CROWTHER. No, sir—yes; Democratic civil service. On page 193 of the Congressional Directory you will find the name of C. C. Coombs, credited to the District of Columbia, as having been born here, and as having been appointed to perform the duties of an office at the other end of the Capitol, drawing a salary of $2,220 per year. That is the same son of C. W. Coombs, the special messenger of the House of Representatives. Go over to the Senate Chamber and you will discover on the roll of that body the name of Charles Coombs, another son of C. W. Coombs, special messenger of the House of Representatives, drawing a salary of $900 a year—a total for one family under this great roof here of $6,320 per annum. Will my Democratic friend, when he goes down on the hustings in Texas next year, tell the people there about Republican extravagance, and refer to this remarkable instance of Democratic economy and Democratic civil-service reform? [Applause on the Republican side.]

Now, Mr. Chairman, I think I am entitled, under this condition of affairs, to raise the question of order against this paragraph.

Mr. JOHNSON of Indiana and Mr. BLUE rose.

The CHAIRMAN. The gentleman from Kansas.

Mr. CANNON. Mr. Chairman, after the gentleman gets through with his remarks, I shall call for a ruling on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLUE. Mr. Chairman, I wish to bear testimony to the statement of the gentleman from Iowa [Mr. HENDERSON] in regard to the manner in which this employee, Colonel Coombs, was placed upon the rolls of the House. Gentlemen argue that the House created a new office for this man. If that is true, then the point of order is not well taken, because if it created a new office, this is simply to provide a fund for the payment of that official.

A MEMBER. Only until the 4th of March.

Mr. BLUE. The gentleman says that it was limited to the 4th of March, but I understand that it was the purpose of that resolution at the time to add this employee to the force of the House and put him in the same attitude as the other employees of the House and that he should be paid just as they were paid. I wish further to bear evidence to the fact that this man has been as faithful in work as any employee of this body, and I desire to say in corroboration of what the gentleman from Iowa [Mr. HENDERSON] said, there is no man in the employment of the House who has done more for my constituency than has this esteemed employee, Charles W. Coombs.

Mr. JOHNSON of Indiana. If the gentleman will permit me to interrupt him, as I have been unfortunate in obtaining recognition to-day, I want to add my testimony as to the intelligence and fidelity of Mr. Coombs. I have resorted to him frequently, and with success, for documents, where it was impossible for me to get them without his aid.

Mr. HULL. Why did you not get them from a Republican employee that we have in that position?

Mr. JOHNSON of Indiana. I found Mr. Coombs so efficient that it was not necessary to go to anyone else.

Mr. BLUE. If this little patronage is to be made a great political question, if this whole business is to be parceled out simply upon partisan lines, then it seems to me the House has come to a very low plane indeed. The gentleman from Iowa [Mr. HENDERSON] appealed rightfully and properly to the equity and sense of fair dealing of this body; and I do not care whether this man has grandchildren or great-grandchildren in the service, where they have been appointed by their Democratic brethren. It was their right to ask appointment at the hands of their friends. It is simply a question of efficiency. After the House has passed upon this subject and generously appointed Mr. Coombs, it does not become it to resort to this method of removing him, out of mere partisan feeling.

Mr. CROWTHER. Does my friend profess to argue here upon this floor that it is right and just for one man to occupy two positions?

Mr. BLUE. But, Mr. Chairman, I do not understand that that is the question here.

Mr. HENDERSON. He does not occupy two positions.

Mr. CROWTHER. A member of his family is in Government employ.

Mr. BLUE. What has that to do with Mr. Coombs's employment here? The gentleman from Missouri certainly will not insist upon that.

Mr. FOOTE. Will the gentleman kindly explain why there are two House messengers in place of one; and why Colonel Coombs was kept in that place after Major Vail was put there?

Mr. HENDERSON. That was adjudicated by this House.

Mr. BINGHAM. That was by a vote of the House.

Mr. BLUE. In reply to that, when he was placed there the gentleman from Iowa [Mr. HENDERSON] urged, and urged properly, that, under the growing necessities of this great Republic and the increased work of the House of Representatives, it was necessary that he should be added. One of the great objections I have to the manner of conducting this patronage is that it gives inexperienced officials, and that is one of the reasons, among many others, why this man was retained by the House. He was retained on account of efficiency. The new employee was not prepared to meet the emergency. I have no fault to find with Major Vail. He has been faithful and industrious. We might as well be candid and treat this as it should be treated in the proper disposition of the business of this House, and not attempt to raise points of order in this manner to carry out partisan purposes, to the detriment of the business of the House.

Mr. FOOTE. Allow me to ask one more question.

Mr. CANNON. I hope we can have this point of order decided.

The CHAIRMAN. The Chair is ready to decide the point of order. It seems these employees were employed under the present rules of the House to perform specific duties, and to be paid out of the contingent fund of the House. Now, the very fact that these resolutions can not carry it after the end of the present Congress—while the present occupant of the chair is aware that from time and long-honored custom of the House such employees have always been accorded to the minority, and is in full sympathy with that idea—if the point of order is insisted on, as it is, the Chair thinks that their employment after the 4th of March by appropriation is not sustained by any law, and is therefore subject to the point of order; and the Chair sustains the point of order.

Mr. ARNOLD of Pennsylvania. Do I understand this point of order only pertains to Colonel Coombs?

The CHAIRMAN. The point of order is raised against the paragraph. [Cries of "Read!"]

The Clerk read as follows:

To pay the following assistants in the document room, authorized and employed under resolutions of the House, namely: One at the rate of $1,600 per annum, one at the rate of $1,200 per annum, and two at the rate of $1,000 per annum each from March 4 to June 30, 1897, inclusive, $1,573.31.

Mr. CANNON. I call the attention of my genial friend from New York to the fact that this clause is subject to the point of order.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. I make the point of order if my genial friend from New York does not.

Mr. SAYERS. I raise the point of order.

Mr. CANNON. This is a clause in an appropriation that has no law to support it. It has been brought in here for years, along with these others that were brought in, to which the gentleman from New York [Mr. SHERMAN] made the point of order. However, I am going to deal even-handed justice all along the line.

Mr. SAYERS. I raise the point of order on that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay Charles M. Thomas for extra services as clerk in the office of the disbursing clerk of the House of Representatives, $900.

Mr. SAYERS. Mr. Chairman, I raise the point of order upon this.

Mr. HOPKINS of Illinois. I would like to inquire if these points of order are being made by the members of the committee who reported the bill?

Mr. SAYERS. They are so.

The CHAIRMAN. The Chair understands that there is no law on which this appropriation is based, and the Chair sustains the point of order.

Mr. HOPKINS of Illinois. I would like to inquire if the gentleman from Texas has discovered that there was no law for this since the bill has been reported?

Mr. SAYERS. I knew that there was no law for it.

Mr. HOPKINS of Illinois. When you reported the bill?

Mr. HEPBURN. Mr. Chairman, I would like to submit a parliamentary inquiry as to whether it is competent for this House to appoint one of its officers as what is known as an "annual clerk," or "annual employee." Can the House do it? Is it in the power of the House to give to itself a proper complement of officers? If it is, then it is competent for the House, by the language of this resolution, to extend the period for which an officer shall serve beyond the 4th of March. The House perhaps may not be able to compensate him, or to provide for his compensation, but if it can create the office, if it can authorize the service, then a deficiency is created, and it is the function of this bill to provide for that deficiency; so that the point of order does not, in my judgment, apply against this class of cases. I think there can be no question but that this House can appoint its own officers and can extend the term of their service beyond the 4th of March. We may not be able, I repeat, to pay them beyond the 4th of March, because they are paid out of the contingent fund, but we can require the service, we can create the office, we can appoint

the officer, and if there is no provision of law for his appointment, then it becomes a proper subject to be acted upon in a deficiency bill.

The CHAIRMAN. The Chair sustains the point of order on the last paragraph.

The Clerk read as follows:

To pay Noah L. Hawk for extra services as acting assistant deputy sergeant-at-arms, $900.

Mr. SAYERS. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WASHINGTON. Mr. Chairman, just at this point I want to see if it is possible to pour oil on the troubled waters. I wish to try, if it be possible, to reestablish that feeling of good fellowship which has heretofore almost invariably prevailed between members on both sides of the House and which ought now and hereafter to prevail. It is a blessed thing to do unto others as you would have them do unto you. It is a Scriptural injunction, I believe, to do good to those who may have spitefully used you. Therefore, although the paragraph relating to the Democratic employees of the House has just been stricken out of the bill on a point of order, I want to do the usual and the right thing by all the employees regardless of politics. As the result of a slight misunderstanding, the committee has stricken from the bill the provision for the compensation of such employees as from time immemorial it has been the custom of the majority to give to the minority in this body. Therefore, in offering this amendment I am not doing unto others as they have done unto me, but I am proposing to do unto others as I would have them do unto me, and to that end I send to the desk an amendment carefully guarded, couched in the usual language, and similar to one which it has been the custom of the House to adopt at the close of the last session of each Congress for many years.

The amendment proposes to give to the employees who are borne on the rolls of the House and Senate one month's additional compensation after the close of this Congress, which they have so faithfully and efficiently served. I ask for the reading of the amendment.

The amendment was read, as follows:

Insert after line 13, page 57, after the word "dollars" the following:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1897, including the Capitol police, the Official Reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. SAYERS. Mr. Chairman, I make the point of order on that.

Mr. WASHINGTON. Mr. Chairman, that is nothing more than I expected; but I want to be heard upon the point of order.

Mr GROSVENOR. I desire to be heard on that point of order, Mr. Chairman.

Mr. WASHINGTON. Mr. Chairman, it has been the custom in this House, as I have said, almost from time immemorial, for an amendment of this character to be offered either to the sundry civil bill or to the general deficiency bill, and to be acted upon favorably by the House. It has also been the custom, or at least it has been the practice of the presiding officer, when he had any doubt as to the point of order, to submit the question to a vote of the House and let it determine for itself whether the amendment was in order or not. A similar amendment to this has been held to be in order by many illustrious men who have occupied the chair in the past, such men as Mr. Kasson, of Iowa, Mr. Carlisle, of Kentucky, and a host of our ablest parliamentarians. The custom of voting the employees one month's extra pay was inaugurated in the Twenty-ninth Congress.

In looking over the records, I find that a similar appropriation to the one proposed was made on the following dates: August 3, 1846; March 3, 1847; August 7, 1848; March 9, 1849; September 20, 1850; March 30, 1851. In 1854 the method was changed somewhat by voting a 20 per cent increase of pay to each employee at the close of the session in lieu of one month's pay, and that practice was adhered to until 1860. So that from 1846 to 1860 the custom was followed at almost every session. From 1860 to 1879 the practice was to a great extent abandoned. In 1879, however, the custom was resumed and it has generally prevailed since then. Of recent years it has generally been the custom, without regard to the political complexion of Congress, to allow one month's extra pay to the employees of the Senate and House, especially at the end of the second session, and sometimes twice during the same Congress.

Precedents will be found as follows:

Sundry civil act of August 7, 1882; Forty-seventh Congress, first session. (22 Statutes at Large, 338.)

Sundry civil act of March 3, 1883; Forty-seventh Congress, second session. (Ibid., 632.)

Sundry civil act of July 7, 1884; Forty-eighth Congress, first session. (23 Ibid., 225.)

General deficiency act of March 3, 1885; Forty eighth Congress, second session. (23 Ibid., 469.)

Joint resolution of October 20, 1888; Fiftieth Congress, first session. (25 Ibid., 663.)

General deficiency act of March 2, 1889; Fiftieth Congress, second session. (25 Ibid., 928.)

General deficiency act of March 3, 1891; Fifty-first Congress, second session, (26 Ibid., 885.)

Resolution of August 5, 1892; Fifty-second Congress, first session. (27 Ibid., 403.)

General deficiency act of March 3, 1893; Fifty-second Congress, second session. (27 Ibid., 664.)

Urgent deficiency act of December 21, 1893; Fifty-third Congress, second session. (28 Ibid., 20.)

General deficiency act of March 2, 1895; Fifty-third Congress, third session. (28 Ibid., 864.)

It will be noted from the foregoing that the almost unbroken practice has been to allow an extra month's pay at the end of each session. This was not done at the first session of the Fifty-fourth Congress, and thus a greater reason is afforded why it should be allowed now. It was not given to the employees of the House at the last session; it is only asked at this session, being for two years' service. It has frequently been given, as I stated, at the end of each session of a Congress—sometimes at the close of three sessions of the same Congress.

Now, as it seems to be the fashion for gentlemen who are advocating or opposing amendments to this bill to state that they have no personal interest in the matter under consideration, I suppose that I must follow the fashion, and I believe that implicit confidence will be placed in my statement when I say that there is not a single person on the roll of this House or at the other end of the Capitol who has been appointed on my solicitation or because he is my political friend. I offer this amendment as a matter of justice and right—not because anyone in whom I am personally interested is to be benefited by its adoption to the extent of one dollar. I hope that the Chair in ruling upon this point of order will recognize the custom and the precedents which have hitherto prevailed and which I have hastily cited. I insist that custom makes law, and that custom in this case makes this amendment in order. If the Chair should entertain any doubt on this point, I hope the Chair will give the Committee of the Whole the benefit of the doubt and let the committee by a vote determine for itself whether my amendment is in order.

Mr. GROSVENOR. Mr. Chairman, I take it, for the purposes of this argument, which will be very brief, that the rule of stare decisis applies in matters of parliamentary construction as well as those of legal dispute and decision. Whether that proposition is a good one or not, I know there is one principle of parliamentary law that applies here: Where the Speaker of the House or the Chairman of the Committee of the Whole makes a decision, and that decision is appealed from and the Chair is sustained, that becomes a rule of the House. It is so laid down by every writer on parliamentary law. And where no appeal is taken the same rule applies.

Now, for many years this appropriation has been recognized as in order by Chairmen of Committees of the Whole on the state of the Union. I hold in my hand the one hundred and eighteenth volume of the CONGRESSIONAL RECORD, being a part of the proceedings of the Fifty-first Congress. I desire to read a decision made at that time on this very question by the gentleman who was then acting as Chairman of the Committee of the Whole. The occupant of the chair was Judge Payson, of Illinois, a very able man, a widely experienced parliamentarian, and a good lawyer. This same point of order was made at that time by a gentleman long in this House from the State of Indiana, Judge Holman, and here is the decision of the Chair, given after very full argument:

This is not a new question in the House of Representatives, nor is it new to the present occupant of the chair. When the general deficiency bill was under consideration at the last session of this Congress, the present occupant of the chair had the honor to preside as Chairman of the Committee of the Whole House on the state of the Union. The same question was then presented in the shape of an amendment; and at that time the Chair took occasion to examine the entire line of precedents and the history of legislation with reference to this matter, as well as the rulings which had been made upon it up to that time, and sees no reason now for changing the opinion then formed in regard to it.

The decisions have been practically unanimous for a great many years past, and especially since the present occupant of the chair has been in public life, beginning with the ruling of Mr. Kasson, of Iowa, and others succeeding him, including the gentleman from Kentucky, Mr. Carlisle, the Speaker of the last House, and so on down to the present time, with but a single exception, this amendment has been held to be in order, either by the direct ruling of the Chair or by an overwhelming majority in the committee when the question has been submitted for its decision.

So we have not only the rulings of distinguished parliamentarians, but we have the vote of the House sustaining those rulings or reversing rulings which have been adverse.

Following the precedents—without expressing an opinion as to what judgment the present occupant of the chair might entertain if this were an original proposition—but following the precedents and the rulings heretofore made, the Chair holds the amendment to be in order.

I do not care to add anything further. I can see no reason why the present occupant of the chair should overrule his predecessors. The House has power to appropriate funds for the payment of its employees. And its decisions are the law governing the House.

The CHAIRMAN (Mr. PAYNE). The Chair is ready to decide the point of order. The Chair is aware of the line of precedents that the gentleman from Ohio has mentioned, which grew out of the practice of the occupants of the chair in submitting this question to the Committee of the Whole, instead of deciding it for themselves under the rules. The question is not new to the present occupant of the chair. The same point of order was presented during the last session of Congress upon a similar amendment, and the ruling was then made by the present occupant of the chair that the amendment was not in order. That decision was founded upon the reading of the rule of the House, which is very plain. These officers are employees of the House at certain fixed annual salaries. To give them a month's pay in addition to the annual salary is to change the salary fixed by law or resolution of the House. It is in effect adding so much to the salary. If it is not an addition to the regular salary, it is a gratuity. In either case it is not in conformity with existing law.

If this question did not appear entirely clear upon its merits to the present occupant of the chair, he would have had much more hesitancy in deciding the case when first brought to his attention; but he can see no excuse for submitting it to the House unless it is so submitted in the form of an appeal. The rule seems plain, and, although the precedents have been examined, the Chair has been unable to find any reason given for holding that this proposition is not in violation of the rules, except that it has been entertained by the votes of Committees of the Whole.

The Chair does not recollect whether the decision made by the present occupant of the chair at the last session was appealed from or not, but the House, by its acquiescence in the decision, sustained the ruling then made, and certainly made it the rule for the Chair during the present Congress that an amendment of this kind is obnoxious to the rules and subject to a point of order. Therefore, while feeling for the opinions of the eminent gentlemen whose names have been cited—Mr. Kasson, of Iowa; Judge Payson, of Illinois, and Mr. Carlisle, the former Speaker of the House (especially the latter)—upon questions of law or parliamentary law the highest respect, the Chair sustains the point of order.

Mr. WASHINGTON. Mr. Chairman, I desire to appeal from the ruling of the Chair.

The CHAIRMAN. The gentleman from Tennessee [Mr. WASHINGTON] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. WASHINGTON. Mr. Chairman, as already stated before in this debate, this is not a new question, and it has almost invariably when raised been submitted to a decision of the Committee of the Whole itself. I hold in my hand a ruling of Speaker Carlisle when he occupied the chair at a similar time to this, several Congresses ago, and I will send it to the desk in order that it may be read and generally heard and understood, and will also ask to have read the ruling of the then occupant of the chair, Mr. Rogers, of Arkansas.

The Clerk read as follows:

In the Fiftieth Congress, second session, Mr. CUMMINGS, of New York, offered a similar amendment to the deficiency appropriation bill. The gentleman from Arkansas [Mr. Rogers] was in the chair. A point of order was raised, and the Chair stated (see page 2265 of the RECORD, February 23, 1889):

"That hitherto on more than one occasion an amendment precisely similar or having the same purpose in view has been submitted to the House, and the most recent decision was that of the Speaker himself, who held the amendment to be in order. The Chair happens to have that decision before him and will ask the Clerk to read certain paragraphs from it.

"The Clerk read as follows:

"'The SPEAKER. The Chair finds upon an examination of the records that on two occasions heretofore an amendment similar to this—the Chair thinks in precisely the same language—has been offered and a point of order made against it, and in both instances the Committee of the Whole on the state of the Union, by a very large vote, held the provision to be in order.

"'Mr. HOLMAN. Yes, sir; but does that action of the Committee of the Whole establish a rule for the control of the House? It must be apparent, Mr. Speaker, there is no law authorizing this item.

"'The SPEAKER. Of course the Chair is not absolutely bound by any decision of the Committee of the Whole on the state of the Union, although such decision is certainly entitled to very great respect when the question has been discussed and decided by that committee, consisting as it does of the same members that compose the House itself. In order to preserve uniformity in the rulings upon this question, the Chair thinks he ought to admit the amendment and allow the House to vote upon it.

"'Mr. HOLMAN. And hold that there is a law authorizing this appropriation; that it comes within the third section of the twenty-first rule?

"'The SPEAKER. The provision seems to have been held in order heretofore upon the ground that it had been included in an appropriation bill, and was the law at least for that year.'"

The Chairman, Mr. Rogers, of Arkansas, said:

"If the Chair had doubts as to the correctness of the ruling of the Speaker, he would nevertheless adhere to it, since he would not feel at liberty while occupying the Chair temporarily to dissent from it. The Chair admits the amendment, and the committee can vote on it."

Mr. WASHINGTON. Now, Mr. Chairman, I could multiply instances similar to that showing where this question has been repeatedly brought up before the House and the point of order made, and when the Chair had any doubt upon the question it was submitted to the committee, and invariably the committee declared that it was in order. Almost invariably, since the Twenty-ninth Congress, with the exception of the period during the war, the House has acted favorably on a similar amendment. I insist that the custom establishes the law in these matters. This has been the custom for all of these years, and I hope it will prevail now.

I do not care to elaborate to any great extent this question, or to refer further to the rulings of prior Speakers, or the presiding officers of the Committee of the Whole. It is with the greatest deference and respect that I appeal from the decision of the honorable gentleman who now occupies the chair, for whose fairness and judgment I have the greatest respect, but I desire the committee itself to have an opportunity of determining the question by a direct vote as to whether or not the amendment is in order, and then let the Committee of the Whole vote on the question upon its merits and decide whether or not this amendment shall become a part of the bill.

Mr. CANNON. Mr. Chairman, a word or two on the appeal, and then I am ready to vote. I suppose in former times the good-natured Chairmen of the Committees of the House have avoided the responsibility of deciding themselves the question, and have submitted it to the vote of the Committee of the Whole. As we meet the most of the employees around the Capitol, we have admitted this question from time to time when presented to the Committee of the Whole, and have decided it under the influence of good feeling and friendship for these people, and have stretched parliamentary usage, giving the appropriation whether there was law or no law about it.

The Chair has correctly announced the rule made by this Congress. It is clearly obnoxious to the point of order, and I hope the Chair will be sustained.

The question being taken, Shall the decision of the Chair stand as the judgment of the committee?

The ruling of the Chair was sustained.

Mr. WILLIAM A. STONE. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 57, after line 13, insert:

"To reimburse the Clerk of the House for expenses incurred and to be incurred for services of a clerk and stenographer, at the rate of $100 per month, from December 2, 1895, to June 30, 1897, $1,888.04."

Mr. SAYERS. I raise the question of order on that amendment.

Mr. WILLIAM A. STONE. I simply wanted to know who made the point of order.

Mr. SAYERS. I am the man.

Mr. WILLIAM A. STONE. I think the gentleman perhaps will not insist on that.

Mr. SAYERS. Oh, yes.

Mr. WILLIAM A. STONE. Very well, then; I wish to withdraw the amendment in order to save the gentleman from Texas from insisting on the point of order.

The CHAIRMAN. The amendment is withdrawn; and the Clerk will read.

Mr. GROSVENOR. I wish to offer an amendment at this point.

The Clerk read as follows:

That the provisions of joint resolution of March 3, 1893, authorizing members to certify monthly the amount paid by them for clerk hire, be, and the same are hereby, extended for a period of thirty days from March 3, 1897, to Members and Delegates of the Fifty-fourth Congress who do not appear as Members or Delegates on the roll of the Fifty-fifth Congress; and to enable the Clerk of the House to pay said Members and Delegates the amount, not exceeding $100 each, which they certify they have paid or agree to pay for clerk hire hereunder, a sufficient sum is hereby appropriated, the same to be immediately available.

Mr. CANNON. I will reserve the point of order on that to hear from the gentleman from Ohio.

Mr. GROSVENOR. The effect of the amendment will be to permit the outgoing members of the House, those who were not elected to the Fifty-fifth Congress, to retain their clerks and pay them for one month longer. That is all there is of it.

Mr. CANNON. Would my friend think well of adding a month's extra pay for the outgoing members?

Mr. MILLIKEN. I understand the gentleman is not going out, and probably he would not be willing for that.

Mr. GROSVENOR. I offer the amendment as an act of justice or generosity, or whatever you please. I think the Congressman who goes out and must wind up his business at the end of a short session is entitled to this consideration. He has a large amount of unfinished business on hand, and I think that the propriety of having his clerk continued in employment and paid for one month in which to wind up his business is entirely proper. I regard it as a very wise and just provision. I do not expect to go out on the 4th of March, and do not know when I shall go out. I have no personal interest in this.

Mr. BARTLETT of New York. I wish to ask the gentleman from Ohio a question. As one of the outgoing members, who would receive the benefit of this $100, I want to ask you how you defend any such proposition in the interest of economy and good government?

Mr. GROSVENOR. I generally do what I think is right, and I never defend myself. [Laughter.] That is a rule I go upon.

Mr. WILLIAM A. STONE. Your time is so taken up in doing what is right that you have no time to defend yourself?

Mr. GROSVENOR. Yes.

Mr. CANNON. Mr. Chairman, a word, so that gentlemen will understand what this is. This is an amendment not to furnish private secretaries to members of Congress, but to furnish private secretaries to outgoing members of Congress for a month after they cease to be members. Now, I reserved the point of order. This is clearly subject to the point of order, but, so far as I am concerned, I do not intend to stand here in the presence of my colleagues who are going out and play wicked man upon this proposition. So far as I am concerned, I shall not raise the point of order.

Mr. SAYERS. I will play the wicked man, Mr. Chairman, and will renew the point of order.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] makes the point of order.

Mr. GROSVENOR. Just allow me a word. There is nothing novel or unreasonable in this. In this same appropriation bill we are paying sums to the families of dead members. There is a provision here to pay the widow of a deceased member $5,000. We extend the franking privilege upon public documents to outgoing members until the 1st of next December. We give to them public documents that are printed by order of this Congress until the beginning of the next Congress. So the fact that we extend this matter into another term is in keeping with legislation already on the statute book.

Mr. RICHARDSON. Do I understand the gentleman to say that this bill extends the franking privilege until next December?

Mr. GROSVENOR. No; I say it is the law now.

Mr. RICHARDSON. It is existing law.

Mr. GROSVENOR. I was saying that the principle of extending some rights to outgoing members is not a new one, but an old one.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Texas [Mr. SAYERS].

The Clerk (proceeding with the reading of the bill) read as follows:

To pay balance of judgment of the Court of Claims No. 16697, in favor of the Southern Pacific Company, certified to Congress in House Executive Document No. 168, Fifty-third Congress, second session, $1,310,427.08.

Mr. RICHARDSON. I move to strike out the last word. We have reached a point in this bill where appropriation is made to pay judgments of the Court of Claims. I said yesterday that when this point in the bill was reached I should offer an amendment to provide for the payment of the findings of the Court of Claims under the Bowman Act. I have in my hand here a copy of a bill which has been reported by the gentleman from Pennsylvania [Mr. MAHON], chairman of the Committee on War Claims, making appropriations for some of the findings of the Court of Claims under this Bowman Act. I believe the claims in this bill amount to $523,000. The bill was unanimously reported from the Committee on War Claims. All of the findings of the Court of Claims to date are not included in this bill, but only those that have been found favorably up to the meeting of this Congress, as I understand it, are included.

Mr. Chairman, that is only a portion of what the Court of Claims have found to be just. The gentleman from Illinois [Mr. CANNON] on yesterday said that these were Southern claims. I deny it. This bill which I hold in my hand provides for claimants in eighteen States of this Union.

Mr. CANNON. Mr. Chairman, I wish to ask, to what point is the gentleman speaking?

Mr. RICHARDSON. I moved to strike out the last word in the item just read. I said, Mr. Chairman, that I denied the statement that these are Southern claims. I see that this bill provides for claimants in eighteen States of this Union. I have the list in my hand. It provides for claimants in the State of Illinois. That is not a Southern State. It provides for claimants in the great State of Massachusetts, the land of steady habits. That is not a Southern State. It applies to claimants in the great Keystone State of this Union, the State of Pennsylvania. This is not a Southern State. It applies to claimants in the State of Kansas; and lastly, it applies to claimants in the State of Ohio, a State highly prolific in voters, the mother of Presidents, and of men who are competent to be President who have not yet been elected. So that, Mr. Chairman, it does not apply alone to Southern claimants, but it applies to claimants everywhere in this Union, if they happen to have such claims. I do not see why they should be characterized as Southern claims. I know that my friend does not mean to put a stigma upon them when he makes that statement. There are claims in his own State of Illinois in this bill.

Now, Mr. Chairman, I think, regardless of where they live, they ought to be paid. We have inquired whether they are right, just, and honest; and if so, regardless of their locality, we ought to pay them. I am going to offer this amendment, a substantial amendment, to put about $500,000 of the findings of the Court of Claims in this bill. My friend says that they ought to be regularly considered. When would they come up? On private bill day? But what did we see on yesterday? It was private bill day, and he took the entire day from us, when we could have considered these claims, to consider this general deficiency bill, one of the bills of highest privilege, that might be considered any day and every day in this House. He takes away private bill day, and yet comes and says you ought not to offer your little amendment to the bill, when your bill can have consideration on a private bill day. We can not get it considered that way. I hope my friend will not make the point of order. I am not prepared to say, Mr. Chairman, that the point of order would not be good, if made. I hope it will not be made by any gentleman on this floor. I state the fact myself that the bulk of this money goes to the South. There is no question about that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I should like to have two or three minutes longer.

The CHAIRMAN. How much time does the gentleman ask?

Mr. RICHARDSON. I ask that I may be allowed to proceed for five minutes longer.

There was no objection.

Mr. RICHARDSON. I thank the committee. I was going to say that while it is true the claimants lived in many Northern States, the bulk of the money goes South. But I hope that no gentleman upon this floor will object to a bill because of that fact. We do not object down there to the pension bills, where 90 per cent of the money appropriated, and twenty-five times as much or fifty times as much as included in this bill, goes to other sections of the country. We sit here, those of us who are from the South, voting this pension money, of which the South pays about one-third, say $50,000,000, and gets back only $6,000,000 or $8,000,000, as I remember the figures in a general way. There is no complaint of that. Now, when we come with a bill where the bulk of the money goes South, it is true, we are met with the charge that these are Southern claims. I have shown that they are not Southern claims.

One other gentleman who sat near me stated yesterday that the statute of limitations ran against them. Mr. Chairman, that is the unkindest cut of all as to these claims. It is a fact that there is not a claimant in this bill that has not been knocking at the door of the two Houses of Congress for more than thirty years. You can not plead the statute of limitations against a claimant who was seeking all this time to get his rights. They can not sue the Government. There never was a time when they could bring suit until the passage of the Bowman Act, on the 3d of March, 1883. Then they proceeded under the direct orders of this House and the other body to bring their actions in the Court of Claims. The Court of Claims made its favorable findings. They amount in all to a little less than $1,000,000; but in this bill we have inserted a little over $500,000. They are unanimously reported by the Committee on War Claims.

It seems to me, Mr. Chairman, that these findings in favor of the claimants ought to be paid. In addition to that, at the last session of this Congress, the long session, this House and the other body passed a bill to pay these identical claims. That bill went to the President of the United States, but in the exercise of his constitutional prerogative he vetoed the bill. He did not veto it because these claims had a place in it. He expressly stated that he vetoed it on other grounds. So that the Executive has no objection to them, the Senate of the United States voted unanimously to pay them, and this House voted to pay them. In the Fifty-first Congress both bodies passed a bill to pay $550,000 of them. So it seems to me, Mr. Chairman, that we ought to let this mere drop in the bucket go through. Let the people of the South, if they are entitled to it, get the benefit of it; if they do not live there, or wherever they live, if they have shown their loyalty to the Government of the United States throughout the war they are entitled to it, through every law and principle of justice, through every act of Congress that has been passed; and it seems to me that it is but sheer justice that we should pass the bill now as a part of this appropriation bill.

Mr. WILLIAMS. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. WILLIAMS. Will the gentleman state to the committee why it is that that bill includes some of the claims on which findings have been found in the Court of Claims, and others are not included?

Mr. RICHARDSON. My friend asks a very pertinent question, why certain claims are in this bill and certain other claims of the same character are not in it. This bill contains only the claims referred to the Court of Claims by the House and Senate, upon which that court has acted favorably and reported its findings to Congress.

Mr. WILLIAMS. The gentleman did not evidently catch my question. Why is it that this bill does not contain all the claims which have been referred to the Court of Claims, and upon which the Court of Claims have made favorable findings? Why are some included in the bill and others left out?

Mr. RICHARDSON. Because this bill was introduced at the beginning of the Fifty-fourth Congress, and, as I understand, it includes all the favorable findings of the Court of Claims that had been filed with the House prior to the meeting of this Congress.

Mr. WILLIAMS. Are these the same cases that were embodied in the Senate amendment to the bill which was vetoed by the President last year?

Mr. RICHARDSON. They are.

Mr. WILLIAMS. Then why is it that other claims for which the Court of Claims has rendered judgment, as well as for these, are omitted?

Mr. RICHARDSON. All the favorable findings up to the beginning of the Fifth-fourth Congress are included.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I now withdraw the pro forma amendment and offer the amendment which I send to the desk. I will not ask to have it read if the gentleman from Illinois intends to insist on the point of order, because the reading would take twenty or thirty minutes, but I beg the gentleman not to insist on his point of order.

Mr. CANNON. Does the gentleman want to know whether I will make the point of order on his amendment or not?

Mr. RICHARDSON. I do.

Mr. CANNON. I gave the gentleman notice yesterday that I would make the point of order.

Mr. RICHARDSON. Yes; but I had hoped that a good night's sleep would have softened the gentleman's heart. [Laughter.] I offer the amendment, Mr. Chairman, and ask to have it read by title.

The amendment was read by title, as follows:

For the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The CHAIRMAN. The Chair understands that unanimous consent is asked that this amendment be considered as read.

There was no objection, and it was so ordered.

Mr. CANNON. To that amendment, Mr. Chairman, I make the point of order that it is not in order upon this bill and not in pursuance of existing law. The Committee on Appropriations has no jurisdiction of it. It belongs to the Committee on War Claims.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. GIBSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. GIBSON. I simply want to utter one sentence bearing directly upon the question, and that is, that these are the same identical claims that were passed by both Houses of Congress at the last session.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed a bill and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution; and

Joint resolution (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1475) for the relief of Basil Moreland; and

A bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. LEWIS. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LEWIS. Would it be in order for this House of Representatives to give effect to the Constitution of the United States? [Laughter.]

The CHAIRMAN. The Chair hardly thinks that is a parliamentary inquiry. The point of order is sustained.

Mr. RICHARDSON. Mr. Chairman, I desire to ask the gentleman from Illinois what is included in the items which have just been read under the title, "Judgments of the Court of Claims?" What are these judgments for?

Mr. CANNON. They are, in the main, judgments for what are known as the "letter-carrier cases." They are not mere findings; they are judgments, properly certified.

Mr. RICHARDSON. One of the items, I notice, is in favor of the Southern Pacific Railroad Company. Is that for carrying the mails?

Mr. CANNON. Yes; that is a regularly certified judgment.

Mr. RICHARDSON. I know; but what I ask is, What was the judgment rendered for?

Mr. CANNON. For carrying the troops of the United States, and, I suppose, the mails of the United States, munitions of war, and so on. It is a final judgment of the Court of Claims, properly certified.

Mr. RICHARDSON. I see that the amount is $1,310,428.10 for the Southern Pacific Railroad Company. What does the gentleman say that amount is for?

Mr. CANNON. I say it is the amount carried by a judgment of the Court of Claims, which is properly certified, and on which the time for appeal has expired.

Mr. MILLIKEN. I call the attention of the gentleman from Tennessee to the report of the Committee on the Pacific Railroads, which states that this is a judgment for which an appropriation is asked for services performed in the transportation of the Army and the mails, and for passengers and freight in other branches of the public service; and that all such transportation was performed over roads that never received any subsidy from the Government. That is the report of the Committee on Pacific Railroads.

Mr. RICHARDSON. Why make an appropriation to pay the judgment of the Court of Claims in favor of this great railroad corporation, amounting to over $1,000,000, when we can not get the pitiful sum contained in the amendment I have offered for the benefit of hundreds of loyal claimants whose cases have been passed upon favorably by the same court and the same judges? I know the gentleman from Illinois will say that there is a difference; that in the one case there are findings of fact, and in the other case a judgment or finding of law, but I ask the gentleman what is the substantial distinction between the two cases, and why does one have any more merit than the other?

Mr. CANNON. Simply because the law provides that in the one case that—

Whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for consideration.

Under the Bowman Act, covered by the amendment of the gentleman, the finding of the Court of Claims, by the express terms of the act of Congress, does not constitute a judgment, but is to be returned to the House for its further consideration. Now, in both the letter-carrier case and the case of the Southern Pacific Railroad Company the court took jurisdiction of the law, and a final judgment was rendered and certified for appropriation.

Mr. RICHARDSON. Now, I want to ask the gentleman to read section 7 of the Bowman Act. I have it not before me, but according to my recollection that section provides that these findings shall have all the solemnity—that is not the express language, but is its effect—all the solemnity of a judgment; and the section further provides that these findings shall be certified to Congress, that the cases shall take their places at the head of the Calendar of the House, and shall be first determined; that if not decided in the existing Congress, they shall not lose their places, but shall go over to the next Congress and stand at the head of the Calendar until they are disposed of.

Mr. CANNON. The gentleman is exactly correct; and many of these cases under the Bowman Act have taken their places upon the Calendar and slept there when the gentleman's party was in full power in the House and Senate and the Presidency, and when he, a great leader of his party, and his party associates allowed them to sleep there. [Applause.] If he had been as anxious and as agonizing then as he is now, I dare say his constituents would have rejoiced in appropriations for these claims.

[Here the hammer fell.]

The Clerk resumed the reading of the bill.

Mr. CANNON (interrupting the reading). I move that the Committee of the Whole rise temporarily.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the general deficiency bill, and had come to no resolution thereon.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I am directed by the Committee on Naval Affairs to report the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, and to ask that the bill be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SAYERS. I reserve all points of order on the bill.

The SPEAKER. In the absence of objection, the bill will be regarded as read a first and second time, will be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, printed. The gentleman from Texas [Mr. SAYERS] reserves all points of order.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I move that the House again resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and resumed the consideration of the general deficiency bill.

The Clerk read as follows:

For provisions, Navy, Bureau of Supplies and Accounts, $11,182.44.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 67, after line 13, insert the following:

"That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for pay or allowances which have been or may be presented by officers or enlisted men of the Regular Army, Navy, or Marine Corps, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been or may hereafter be adopted as a basis for the allowance of such claims, which accrued more than six years prior to the institution of proceedings on which such decisions were or may be made."

Mr. CANNON. This is a very wise amendment. Without occupying time upon it, unless some one else desires to discuss it, I will ask that the vote be taken at once.

The question being taken, the amendment was agreed to.

Subsequently,

Mr. CANNON asked and obtained leave to print in the RECORD, in connection with the amendment just adopted, letters from the Auditor and Comptroller and an extract from the last annual report of the Comptroller of the Treasury, bearing on the same. The documents are as follows:

[Mate Hugh Kuhl, United States Navy.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE NAVY DEPARTMENT,
Washington, D. C., February 18, 1896.

SIR: Mate Hugh Kuhl, United States Navy, has presented a claim to this office for commutation of rations while serving on receiving ships and monitors, under the decision of the Supreme Court in the case of The United States *vs.* Fuller (decided January 20, 1896), in which it was held that mates are petty officers and entitled to rations. In the adjustment of the claim, I have allowed the claimant commutation for rations from June 22, 1874, the date of the adoption of the Revised Statutes, for the time he was attached to receiving ships and monitors, to December 31, 1895.

If mates are not officers within the meaning of section 1410 of the Revised Statutes, they are not officers within the meaning of the act of June 30, 1876 (19 Stat., 65), and are not entitled to mileage. United States *vs.* Mouat (124 U. S. R., 303). I have therefore deducted in the settlement of his claim all mileage heretofore paid him, and allowed him the cost of his transportation in the same manner as allowed to other petty officers of the Navy when traveling under orders. He is not entitled to rations nor commutation therefor when attached to a navy-yard. Button Case (20 C. Cls. R., 423); Hubert's (21 C. Cls. R., 53).

In submitting the question of the right of the Auditor to deduct allowances which have heretofore been made in this class of claims, I desire to invite your attention to acts of 1890 and 1892, wherein Congress has applied a statute of limitation to claims of officers of the Navy for sea pay and rations on receiving ships, viz, the act of September 30, 1890 (26 Stat., 544).

In the act of September 30, 1890 (26 Stat., 544), making appropriations to supply deficiencies in appropriations, etc., at page 544, there is a proviso attached to the appropriation "For provision of the Navy" that no part of the sum called for in the executive document "shall be used for the payment of any claim for rations on receiving ships or for the payment of any claim which may have been allowed under the decisions of the Supreme Court which have been adopted by the accounting officers as a basis for the allowance of said claims which accrued prior to July 16, 1880." The petition in the case of Strong was filed in the Court of Claims July 16, 1886, and Congress, by limiting the time to 1880, placed a statute of limitation on that class of claims.

By the act of July 29, 1892 (27 Stat., 313), the accounting officers are prohibited from allowing any claim for sea pay or commutation of rations which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been adopted as a basis for the allowance of such claims which accrued prior to July 16, 1880. It is clear to my mind that this proviso was intended to apply to claims settled under the authority of the Strong decision, and does not apply to claims for sea pay and rations, or commutations of rations under a subsequent decision of the courts, although similar to that of Strong's.

There is another reason why, in my opinion, the act above referred to does not apply to this class of claims. The Court of Claims in the case of Boatswain Frary (24 C. Cls. R., 117) said: "To entitle officers and other persons, with some exceptions, to rations, they must be either at sea or actually attached to and doing duty on 'a sea going vessel,' whether such vessel be at sea or not. That Congress intended to exclude receiving ships from those designated as sea going vessels is conclusively shown by the exception in section 1579, which, after prohibiting the allowance of rations to persons not on a sea going vessel, excepts petty officers, seamen, and ordinary seamen attached to receiving ships." While in the Fuller case the Supreme Court held that mates are petty officers: "The exception of mates from other petty officers in section 1569 indicates that they are petty officers, and the exception of petty officers from those who are not entitled to rations under section 1579 indicates that as such they are entitled to a ration."

As no rations or commutation of rations have been allowed to officers on receiving ships since the adoption of the Revised Statutes, and the courts have held that officers so serving are not entitled to a ration, and that mates, being petty officers, are entitled when so serving, it is quite clear to my mind that Congress did not intend to include mates within the acts prohibiting the accounting officers from settling claims on receiving ships. And another reason suggests itself, that Fuller's case was not pending before the courts when the act of 1892 became a law, as his petition was not filed in the Court of Claims until March 17, 1894.

To avoid the necessity of reexamining this class of claims on appeal, I have the honor to submit to you for approval or disapproval the conclusions which I have reached in this case: First, that the claimant is entitled to commutation for rations from June 22, 1874, the date of the adoption of the Revised Statutes, during the time he was attached to receiving ships and monitors; second, that he is not entitled to mileage when traveling under orders, but to the cost of his transportation; third, he is not entitled to rations nor commutation therefor when on duty at a navy-yard; and, fourth, the acts of September 30, 1890 (26 Stat., 544), and July 29, 1892 (27 Stat., 313), do not apply to claims of this class.

Very respectfully,

WM. H. PUGH,
Auditor.

The COMPTROLLER OF THE TREASURY.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., January 8, 1897.

SIR: An answer to your letter of February 18, 1895, submitting for my approval, disapproval, or modification your conclusions and decision in the case of Hugh Kuhl, mate United States Navy, has been delayed, awaiting the decision of the Supreme Court of the United States in the case of Wisconsin Central Railroad Company *vs.* United States (164 U. S., 190), decided November 16, 1896, and Baxter *vs.* United States, decided by the Court of Claims January 4, 1897. These cases fully sustain certain conclusions reached by you in this matter. You submitted the four following points as decided by you:

"First. That the claimant is entitled to commutation for rations from June 22, 1874, the date of the adoption of the Revised Statutes, during the time he was attached to receiving ships and monitors;

"Second. That he is not entitled to mileage when traveling under orders, but to the cost of his transportation;

"Third. He is not entitled to rations nor commutation therefor when on duty at a navy-yard; and,

"Fourth. The acts of September 30, 1890 (26 Stat., 544), and July 29, 1892 (27 Stat., 313), do not apply to claims of this class."

With these conclusions I concur, and approve your decision.

Concerning the deduction of the sums heretofore paid as mileage in excess of the actual cost of transportation while traveling under orders, said mileage was allowed on the theory that the claimant was an officer of the Navy. The claim for commutation of rations is based on the decision of the United States Supreme Court (United States *vs.* Fuller (160 U. S., 593), decided January 20, 1896), to the effect that mates are not officers. This brings into present consideration the whole question of the status of the claimant during the time rations are now claimed, and both rations and mileage being parts of the same subject-matter, to wit, the compensation of the claimant, the application of the claimant opens the whole matter, and necessarily involves the right to offset sums improperly paid as mileage, when in excess of the cost of transportation, under former decisions, as well as those herein specifically mentioned.

In presenting this claim to Congress for appropriation it is suggested that attention be invited to the limitation on the consideration of other claims of a similar character found in the act of July 29, 1893 (27 Stat., 313).

I transmit all of the papers in the case.

Respectfully, yours,

EDW. A. BOWERS,
Assistant Comptroller.

The AUDITOR FOR THE NAVY DEPARTMENT.

[Extract from Report of the Comptroller of the Treasury for the fiscal year 1896, pages 7 and 8.]

It not infrequently happens that constructions placed upon acts of Congress relating to the compensation or other emoluments of officers of the United States, the language of which is somewhat ambiguous, become by reason of long continuance the settled practice of the Executive Departments as constituting the true construction of the statutes. Many years afterwards the construction of these acts by the accounting officers may be reversed by the courts and a larger amount than had been theretofore allowed is held to be due these officers. Immediately after such decisions claims covering the entire period of time since the enactment of the laws are presented either by the officers themselves, or in many cases, where the construction of the accounting officers has continued for a long period unreversed, by the heirs of officers already dead.

As Congress has for more than thirty years furnished a tribunal in the Court of Claims in which the validity of this character of claims might have been tried immediately after the construction was placed upon the acts by the accounting officers, if such construction was deemed erroneous, it is confidently believed that no injustice will be done if the jurisdiction of the accounting officers over claims of this character is taken away, especially as it is a matter of common notoriety that in many cases the claims have been instigated by diligent attorneys rather than by the officers themselves. An example of such legislation in a particular case may be found in the act of July 28, 1892 (27 Stat., 313), wherein it was provided:

"That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for sea pay or commutation of rations which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been adopted as a basis for the allowance of such claims, which accrued prior to July 16, 1880."

The case particularly referred to in that enactment was that of United States *vs.* Strong (125 U. S., 656). It appears that the petition in the Strong case was filed in the Court of Claims July 17, 1886, and as the statute of limitations relating to that court excludes from its jurisdiction any claims accruing prior to six years from the date of filing the petition, the date "July 16, 1880," referred to by Congress in the above-quoted clause, relates to claims which would have been barred in the Court of Claims in the test case.

Like legislation applicable to all claims of a generally similar character is

respectfully recommended. The time of the accounting officers is fully occupied in the settlement of current matters and should not be taken up in the adjustment of a class of claims which might have been presented to the courts by the claimants at earlier dates if at the time they had felt themselves aggrieved by the determination of the accounting officers.

The Clerk resumed and concluded the reading of the bill.

Mr. CANNON. Mr. Chairman, I ask that we now return to a paragraph on page 21, which was passed over by unanimous consent.

The Clerk read from page 21 of the bill the following:

Public schools: For amount required to pay for care of schoolrooms at Miner School building for the current year, $140.93.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the paragraph just read insert:

For rent of Miner School building, $1,250, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, it was agreed that at the conclusion of the reading of the bill we would recur to two paragraphs, possibly three, upon which there was to be debate for an hour and a half on each side.

Mr. SAYERS. Mr. Chairman, I have three amendments which I think, for the convenience of the committee, can be considered together. If one of them should be adopted, it may determine the others. I will send them up to be read by the Clerk, and then if the chairman of the Committee on Appropriations should prefer to have them considered separately, we can do so.

The Clerk read as follows:

On page 61, at the end of line 24, insert:
"Except those for services over bond-aided Pacific railroads and their nonbond-aided branches."
On page 60 strike out all of lines 18 to 24, inclusive.
On page 5 strike out all of lines 4 to 10, inclusive.

The CHAIRMAN. The Chair understands that the gentleman wishes these to be considered together, and the gentleman asks consent of the committee for their consideration in that form.

Mr. CANNON. Let them be pending, and I will look over them. The gentleman from Texas, if he desires to proceed now——

The CHAIRMAN. The Chair understands the time agreed upon for debate is to be equally divided, and if there be no objection the Chair will recognize the gentleman from Texas [Mr. SAYERS] to control one-half of the time and the gentleman from Illinois [Mr. CANNON] the other.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. SAYERS. I will yield twenty minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committtee, on Saturday afternoon last I left the House, I think, between 4 and 5 o'clock, when the gentleman from Mississippi [Mr. CATCHINGS] was addressing the committee on some river and harbor items. Later in the afternoon some discussion took place in which the gentleman from Tennessee [Mr. MCMILLIN] and the gentleman from Missouri [Mr. DE ARMOND] took part. In the course of their remarks they attacked the Supreme Court of the United States, and I propose now, in the limited time just allotted to me, to defend that court.

This is not a political question. It is not a partisan question. The question is whether it is proper to attack this court, a great coordinate branch of the Government, supposed to be of equal and independent power with the legislative branch, in the course of remarks on this floor. The gentleman attacked not only, as I conceive, Mr. Justice Shiras, a member of the Supreme Court of the United States, for his decision in the income-tax cases, but the attack was broad enough to affect, and must necessarily and logically involve, not only every member of the majority of the court, but every one of the nine justices who compose the entire court.

I call the attention of the committee to the language which was then used by the gentleman from Tennessee [Mr. MCMILLIN], who, with his recognized ability, aspires to be the leader of the Democratic party in the next Congress. He said:

It is known to all who are posted that the man who tore down the Constitution and overrode the decisions of a hundred years, who set aside the power which was placed in the hands of Congress to assess the wealth of the nation and require it to bear a portion of its expenses, was and is named Shiras, and that name, Mr. Chairman, ought to be mentioned in connection with that reprehensible and ever-to-be-criticised decision wherever it is referred to at any time. Let posterity not forget him. It is not likely to forgive him.

Then the gentleman from Missouri [Mr. DE ARMOND] said:

Now, then, let us see how strangely that provision was overturned. Eight judges were present when the matter first came before the Supreme Court of the United States. They divided equally upon the main question of constitutionality. The ninth justice was absent. Those who took the one side and those who took the other were well known. They identified themselves. There was another hearing when the ninth judge was present, so that the full bench then heard the case. The ninth judge joined in with the four who held the law to be constitutional; and lo and behold! one of the four, without ever vouchsafing an explanation, without ever giving any reason, changed his mind in such a way as to lift from wealth a tax of from forty to sixty millions of dollars annually, and cast it as an additional burden upon poverty and toil!

That ought not to be commented on! It ought not to be mentioned here, according to the tender notions of some gentlemen! Why ought it not to be? Men have a right to change their opinions; great as well as little men often do so. But when fifty or sixty million dollars of annual revenue are in the scale—when a trained lawyer and judge, after full argument, deliberately reaches a conclusion, and then when, so far as we know, without additional light, without additional good reason to carry him the other way, he suddenly, when it becomes necessary, finds himself upon the side of aggregated wealth and power and monopoly and against the mass of the producers of the land, with the result that there is a deficit in the Treasury and that heavier burdens must be heaped upon the people—why should there not be some comment? What is there wrong in the comment? Why should it be withheld? I said in this House about one year ago, and I repeat, that when the history of that judge shall be made up, and when all else in his life shall have been forgotten, his name will be kept from oblivion, not for praise, but as that of one by whose marvelous conversion a great principle of taxation was, for the time, overthrown in a land of free people under free institutions.

What was the "great principle of taxation" overthrown by that decision of theirs? The principle of taxation—the only ruling of the court—was that an income tax is a direct tax; not that no income tax could be imposed on the people of the United States, but that it must be apportioned according to the inhabitants of the various States, or, in the language of the Constitution, "among the several States, according to their respective numbers."

Now, let us look for a moment at the question; and the original argument goes back to the 9th day of July, in the city of Chicago, when William J. Bryan delivered his famous speech, "The crown of thorns and cross of gold," in which he used the language:

It was not unconstitutional when it went before the Supreme Court for the first time.

I draw the attention of the committee, Mr. Chairman, to the fact that there were three questions involved in the income-tax case, that is to say, in the bill in equity brought by Mr. Pollock, against the Farmers' Loan and Trust Company of New York, praying that sections 27 to 37, inclusive, the income-tax sections of the Wilson tariff bill, should be adjudged to be unconstitutional and void. And the points were that the tax on the rents and income of real estate is a tax on the land itself, and hence a direct tax under the Constitution; that the income derived from State and municipal bonds can not be taxed by the Federal Government; and further, that a tax upon the income derived from personal property is a direct tax within the meaning of the Constitution.

On the first two questions the court decided in favor of the plaintiff. The court decided that to tax the income of municipalities was unconstitutional and void, because it involved an attempt to tax the instrumentalities of the States. All the eight judges concurred in that view at the first hearing, and six out of the eight judges held the tax on the rents and income of real estate to be unconstitutional and void. So these gentlemen, including Mr. Bryan, are wrong when they say that a large part of the act was not held to be unconstitutional on the occasion of the first hearing by the Supreme Court of the United States.

Now, what opinions were then rendered? The prevailing opinion was rendered by Mr. Chief Justice Fuller, and Mr. Justice Field also filed a concurring opinion. The dissenting opinion was rendered by Mr. Justice White and concurred in by Mr. Justice Harlan. So the record shows that all the judges, with the exception of Mr. Justice White and Mr. Justice Harlan, on the occasion of the first hearing, held the tax on the rents and income of real estate to be unconstitutional and void. And what proportion of the tax was involved? It stated, I believe, in the second opinion of Mr. Chief Justice Fuller, that that affected something like $39,500,000,000 out of the total of $65,000,000,000. So you see, gentlemen, that about one-half of the income tax was held to be unconstitutional before the second hearing occurred in the following May. You remember that the first hearing was in March, and the decision was filed on the 8th day of April, 1895. It is true it was announced

in the prevailing opinion on the occasion of the first decision that the court was evenly divided on some points; that is, upon the question if an income tax be considered an indirect tax, whether it should not be uniform, and on the question as to whether the invalidity of the provision as to rents and income of land did not necessarily invalidate the other sections of the income-tax law applying to the incomes of personal estate, and upon the question whether a tax upon the income of personal estate was a direct tax or not.

Upon those three questions the court was equally divided. But I submit to you, gentlemen, as lawyers, that no judge of any court should ever be attacked for changing his opinion on a pure question of law, such as that which was involved in this income-tax case. I submit that it would be a very dangerous principle to encourage the practice of certain country lawyers, when defeated, to go down to the tavern and damn the court.

Now, gentlemen, there is no evidence as to how the judges stood on the points left undecided on the occasion of the rendition of the first decision. Non constat, as far as the record goes, that Mr. Justice Shiras ever thought that the income-tax law was constitutional. We know that he thought the tax on the rents and income of land was unconstitutional.

Moreover, let us see how fairly they work out the problem. Mr. Justice Brown, another member of the court, changed his opinion on the occasion of the second hearing. Read his second opinion—that is, his dissenting opinion—on the occasion of the rehearing, and you will find that he then held that a tax on the rents and income of land could be upheld, and that it was not a direct tax, whereas on the occasion of the first hearing he sided with the six judges who formed the majority.

But, no matter how those judges stood or how Mr. Justice Shiras stood on the occasion of the first argument, I submit it is a dangerous precedent to allow any member of the National Legislature—of course he has the power to speak as he sees fit—to allow without rebuke any member of the National Legislature to attack our great court of last resort, and I have deemed that it was right for me, as the only member of the Committee on Appropriations, I believe, except the gentleman from Ohio [Mr. LAYTON], who is a sound-money Democrat, to protest on behalf of the Democracy of the North and East against their being held up to the people of this country as in favor either of an income tax or in favor of attacking the Supreme Court of the United States.

Mr. WILLIAMS. What has the question of silver Democracy or gold Democracy got to do with this question?

Mr. BARTLETT of New York. I believe that the issues which I have mentioned, quite as much as the soft-money craze, helped to turn the North and the East against the Democracy in the last Presidential campaign. I say to the leaders of the party in the West and Southwest that they can not hold the Democracy of the North and East with them unless they abandon their policy of insisting upon the imposition of an unconstitutional and iniquitous income tax, which will largely affect the people of the Eastern and Northern States. Nor can they pursue their attacks on the Federal judiciary without endangering the success of their party in the future.

Now, the gentleman from Missouri [Mr. DE ARMOND] asks, Who could have anticipated the unconstitutionality of the income tax? I say to him that in two speeches in this House, the first on the 30th of January, 1894, and the second on the 12th day of December, 1894, I stated that the income tax was unconstitutional, and that it would be held to be unconstitutional when it should come before the Supreme Court of the United States on another occasion. To be sure it was only my belief as a lawyer, but at the same time I cited instances of the contemporaneous construction of the meaning of the words "direct" and "indirect" taxes, such as those by Gouverneur Morris, Luther Martin, and Theodore Sedgwick, and I referred to many cases which appear in the majority opinion of the Supreme Court of the United States.

Now, let us go one step further. I take these figures from the able and admirable paper written by Senator HILL, in the Forum of February, showing how this income tax is an unfair tax and a tax which discriminates against my State. It appears that while the amount of the income tax returned was $15,943,746.69, the States which voted for the Democratic-Populist candidate returned only $1,880,201.38, whereas the State of New York would have paid nearly one-fourth of the whole tax, or, to be exact, $3,784,489.04.

Then let us consider for a moment the fairness of that tax. How do the gentlemen who defend these sections of the Wilson bill defend the unfair exemption of mutual life insurance companies, and in favor of building associations? Gentlemen must admit, for it is admitted in one of the opinions of the dissenting judges of the Supreme Court (that of Mr. Justice Harlan), that they are unfair and indefensible exemptions. He says:

> Undoubtedly the present law contains exemptions that are open to objection. * * * The provisions most liable to objection are those exempting from taxation large amounts of accumulated capital, particularly that represented by savings banks, mutual insurance companies, and loan associations.

Now let me say a word about this law. Why talk about the Supreme Court of the United States and say it has reversed its decision which had been made a hundred years earlier? Such is not the fact. The only decision reversed was that in the Springer Case, which was decided in 1880 and reported in 102 United States Reports. The old Hylton Case, in 1796, merely held that a tax on a carriage was an excise, because a carriage is simply a consumable commodity; and then, in the case of the Pacific Insurance Company against Soule (1868) it was held that a tax upon the business of an insurance company was an excise or duty; and in the case of Veazie Bank against Fenno (1869) it was held that the tax of 10 per cent upon the State-bank circulation was a duty; and in the case of Scholey against Rew (1874) it was held that the tax upon the devolution of the title to realty or a succession tax was an excise tax or duty. And as said, Justice Brown, in his dissenting opinion, said it must be admitted, however, that in none of these cases was the question directly presented as to what are taxes upon land within the meaning of the constitutional provision; and it is pointed out, also, by Chief Justice Fuller that from the case of Hylton to that of Springer it never had been decided that taxes on rents or income derived from land are not taxes on land.

In the case of the Pacific Insurance Company against Soule, my father was of counsel, and of his brief Mr. Justice White says:

> The brief on behalf of the company, filed by Mr. Wills, was supported by another signed by Mr. W. O. Bartlett, which covered every aspect of the contention. It rested the weight of its argument against the statute on the fact that it included the rents of real estate among the sources of income taxed, and therefore put a direct tax upon the land. Able as have been the arguments at bar in the present case, an examination of those then presented will disclose the fact that every view here urged was there pressed upon the court with the greatest ability, and after exhaustive research, equaled but not surpassed by the eloquence and learning which has accompanied the presentation of this case. Indeed, it may be said that the principal authorities cited and relied on now can be found in the arguments which were then submitted.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. BARTLETT of New York. I say, whether we disagree with the Supreme Court or not, the final decision of that court should be upheld; and it is a very dangerous precedent to attack judges of that great court because their views happen to contravene our views. Now, let me say a word in conclusion; and that is as to the dangerous proposition advocated by the gentleman from Missouri [Mr. DE ARMOND].

Mr. TERRY. I would like to ask the gentleman a question.

Mr. BARTLETT of New York. Not if it is to come out of my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. BARTLETT of New York. The gentleman from Missouri [Mr. DE ARMOND] goes one step further. He indulges in a general attack upon the judiciary. He says that he wishes to curb the Executive; he says he wishes to curb the Federal judiciary. In other words, he desires to give unlimited power to the legislative department of Government. Ah, gentlemen, does he imagine and do those who accord with him imagine that they are the people? We are merely representatives of the people; we are not the people themselves. As was well said by Judge Story, in his great work on the Constitution, "The courts stand between the people and the legislature;" and they are placed there to do what? To check the encroachments and usurpations of the legislative department of Government.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, before the gentleman from Tennessee [Mr. MCMILLIN] proceeds, I desire to ask unanimous consent to return to page 53 of the bill, to correct a clerical error.

The Clerk read as follows:

> On page 53, line 18, strike out the capital "N" and insert in lieu thereof a capital "M."

The CHAIRMAN. Without objection, the amendment will be considered as adopted.

There was no objection, and it was so ordered.

Mr. CANNON. Now, Mr. Chairman, I will, by arrangement, so as to equalize the time given by the gentleman from Texas, yield ten minutes of my time to the gentleman from Tennessee.

Mr. MCMILLIN. Mr. Chairman, I thank my friend from Illinois for his courtesy in yielding me a small portion of time in which to reply to the gentleman from New York [Mr. BARTLETT]. I do not propose on this occasion to go into a general discussion of the questions that he has raised. He says that I made an attack on a member of the Supreme Court in some remarks I made a few days ago. I intended it as an attack on the soundness of his decision, and if it is not sufficient, I am ready to renew it any day in the world. I do not admit, as a representative of the American people, that there is anything in the American Government so sacred that I, as a representative of the American people, can not attack it when it goes wrong. [Applause.]

Concerning my distinguished friend's suggestion as to what

ought to be my conduct as a Democrat, with some years of service here, I simply beg to submit to him that I do not recognize his right to read me lectures as to what should be Democratic conduct after he has taken his bag and baggage out of the Democratic party and run for Congress with a Republican nomination. [Applause.] I am at the old camping ground, engaged in the old war against class and unjust legislation, with the old principles backing me, and I do not admit that I have departed from the faith, or that those associated with me have.

My distinguished friend from Pennsylvania [Mr. DALZELL] informed me some days ago that he expected at a future time to reply to what I had said regarding Mr. Justice Shiras, and I will reserve until that occasion the principal part of what ought to be said concerning that distinguished individual.

Mr. MADDOX. Notorious, you mean.

Mr. McMILLIN. I accept the amendment—notorious. Mr. Chairman, no man has a higher reverence for the institutions of my country than I have. When I can say that I have stood here for eighteen years, engaged in the thickest of the fight, having fled from no combat, and yet have never had a single point of order made upon me that I was out of order in debate, I believe I can at least boast that I have been somewhat decorous in my methods of discussion. I have not spared the wrong or wrongdoer in my criticisms; nor shall I.

Sir, no man in this Government ever attacked the Federal judiciary when it went wrong more fiercely than did Thomas Jefferson, and the people made him President, and they hold his memory sacred, because he did not fear to do his duty in that and other things.

When General Jackson sent to the Senate, to be borne perpetually upon its files, his protest against the resolutions of censure, he necessarily criticised the action of a coordinate branch of the Government.

When the President of the United States sends his veto messages here, he necessarily criticises a coordinate branch of the Government. I repeat, sir, there is nothing in American government that is beyond criticism. On the stump, in the daily press, everywhere and by everybody, we, as legislators, are criticised. What sanctity shields the bench from just comment or criticism?

What I said of Justice Shiras was, that the man who tore down the Constitution, who overruled the decisions of one hundred years, who took away from the people the right to impose upon the wealth of the country taxes to meet the expenses of the country, was named Shiras. I repeat it to-day, and I am glad if I have got through his heretofore thick skin at last. Did he not decide that an income tax was unconstitutional? And did he not have to overturn the decisions of one hundred years to do it? [Applause.] As I have indicated, it was not my purpose on this occasion to go into a general discussion of the merits of this question. I think that if I have my health I shall be able to show some facts which may shed a slight degree of light upon the methods of proceeding when the Constitution was overridden and the taxing power of the people destroyed. But for the present I shall content myself with calling the attention of my distinguished friend from New York [Mr. BARTLETT] and the committee to what members of the Supreme Court of the United States have said about that decision of the Supreme Court of the United States. I could not say anything harsher than what Mr. Justice Harlan, Mr. Justice Jackson, Mr. Justice White, and Mr. Justice Brown have said upon that extraordinary income-tax decision. I therefore send to the desk to be read some extracts from the opinions of those distinguished jurists. I ask the Clerk to read the paragraphs that I have marked.

The Clerk proceeded to read.

Mr. HEPBURN. What is the Clerk reading from?

Mr. McMILLIN. He is reading from the dissenting opinion of Mr. Justice Harlan, of the Supreme Court of the United States.

Mr. HEPBURN. From what volume is he reading?

Mr. McMILLIN. That is a volume that I would commend to the gentleman's careful and prayerful consideration, for his moral and political improvement. It is the Democratic campaign book in the last campaign. [Laughter.]

Mr. HEPBURN. Prepared by the gentleman, I believe?

Mr. McMILLIN. Prepared by me; but I vouch for the accuracy of every word that is there attributed to these justices of the Supreme Court. All the extracts were taken literally from their opinions.

Mr. BARTLETT of New York. Will the gentleman permit me to ask him one question?

Mr. McMILLIN. With pleasure.

Mr. BARTLETT of New York. Will you allow the prevailing opinion of the court to go into the RECORD with what you are having read?

Mr. McMILLIN. Not in my time. I do not want the reading of it taken out of my time, as it is very limited.

The extracts read at the request of Mr. McMILLIN are as follows:

DISSENTING OPINION OF SUPREME COURT.

[Extracts from Pollock *vs.* Farmers' Loan and Trust Company, 158 U. S.]

HARLAN, J.: From this history of legislation and of judicial decision it is manifest—

* * * * * * *

That upon every occasion when it has considered the question whether a duty on incomes was a direct tax within the meaning of the Constitution this court has, without a dissenting voice, determined it in the negative, always proceeding on the ground that capitation taxes and taxes on land were the only direct taxes contemplated by the framers of the Constitution.

* * * The practice of a century, in harmony with the decisions of this court, under which uncounted millions have been collected by taxation, ought to be sufficient to close the door against further inquiry based upon the speculations of theorists and the varying opinions of statesmen who participated in the discussions, sometimes very bitter, relating to the form of government to be established in place of the Articles of Confederation, under which, it has been well said, Congress could declare everything and do nothing.

* * * * * * *

In my judgment, to say nothing of the disregard of the former adjudications of this court and of the settled practice of the Government, this decision may well excite the gravest apprehensions. It strikes at the very foundations of national authority, in that it denies to the General Government a power which is, or may become, vital to the very existence and preservation of the Union in a national emergency, such as that of war with a great commercial nation, during which the collection of duties upon imports will cease or be materially diminished.

* * * * * * *

But this is not all. The decision now made may provoke a contest in this country which the American people would have been spared if the court had not overturned its former adjudications and had adhered to the principles of taxation under which our Government, following the repeated adjudications of this court, has always been administered. Thoughtful, conservative men have uniformly held that the Government could not be safely administered except upon principles of right, justice, and equality, without discrimination against any part of the people because of their owning or not owning visible property, or because of their having or not having incomes from bonds and stock, but by its present construction of the Constitution the court, for the first time in all its history, declares that our Government has been so framed that in matters of taxation for its support and maintenance those who have incomes derived from the rental of real estate or from the leasing or using of tangible personal property, or who own invested personal property, bonds, stocks, an investment of whatever kind, have privileges that can not be accorded to those having incomes derived from the labor of their hands, or the exercise of their skill, or the use of their brains.

* * * * * * *

I may say, in answer to the appeals made to this court to vindicate the constitutional rights of citizens owning large properties and having large incomes, that the real friends of property are not those who would exempt the wealth of the country from bearing its fair share of the burdens of taxation, but rather those who seek to have everyone, without reference to his locality, contribute from his substance, upon terms of equality with all others, to the support of the Government. * * *

The practical effect of the decision to-day is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of the Government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless. * * *

BROWN, J.: It is certainly a strange commentary upon the Constitution of the United States and upon a democratic Government that Congress has no power to lay a tax which is one of the main sources of revenue of nearly every civilized state. It is a concession of feebleness in which I find myself wholly unable to join.

While I have no doubt that Congress will find some means of surmounting the present crisis, my fear is that in some moment of national peril this decision will rise up to frustrate its will and paralyze its arm. I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth.

As I can not escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportions of a national calamity, I feel it a duty to enter my protest against it. * * *

JACKSON, J.: The practical operation of the decision is not only to disregard the great principles of equality in taxation, but the further principle that in the imposition of taxes for the benefit of the Government the burdens thereof should be imposed upon those having most ability to bear them. This decision, in effect, works out a directly opposite result, in relieving the citizen having the greater ability, while the burdens of taxation are made to fall most heavily and oppressively upon those having the least ability. It lightens the burden upon the larger number in some States subject to the tax, and places it most unequally and disproportionately on the smaller number in other States. Considered in all its bearings, this decision is, in my judgment, the most disastrous blow ever struck at the constitutional power of Congress. It strikes down an important portion of the most vital and essential power of the Government in practically excluding any recourse to incomes from real and personal estate for the purpose of raising needed revenue to meet the Government's wants and necessities under any circumstances. * * *

WHITE, J.: It takes invested wealth and reads it into the Constitution as a favored and protected class of property, which can not be taxed without apportionment, whilst it leaves the occupation of the minister, the doctor, the professor, the lawyer, the inventor, the author, the merchant, the mechanic, and all other forms of industry upon which the prosperity of a people must depend subject to taxation without that condition. A rule which works out this result, which, it seems to me, stultifies the Constitution by making it an instrument of the most grievous wrong, should not be adopted, especially when, in order to do so, the decisions of this court, the opinions of the law writers and publicists, tradition, practice, and the settled policy of the Government must be overthrown.

Mr. BARTLETT of New York. Mr. Speaker, I ask unanimous consent to be allowed to print with my remarks such extracts from the prevailing opinion in the income-tax cases as I shall see fit.

Mr. RICHARDSON. How much space in the RECORD does the gentleman propose to occupy?

Mr. BARTLETT of New York. A very few lines.

Mr. RICHARDSON. I have no objection, if the matter to be printed does not occupy more than a few lines.

Mr. BARTLETT of New York. As a rule, I never print what I do not deliver.

Mr. RICHARDSON. As I understand, there were five judges who read opinions in this case.

The CHAIRMAN. The gentleman from New York [Mr. BARTLETT] asks leave to print, in connection with his remarks, extracts from the decision of the court.

Mr. RICHARDSON. Limited, as he says, to a few lines. I do not object.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. DALZELL. Mr. Chairman, I do not propose this afternoon to occupy the time of the House, but in view of what the gentleman from Tennessee [Mr. MCMILLIN] has said, it seems proper for me to say that he has been rightly informed—that it was, as it still is, my intention to reply to the criticisms of the gentleman from Tennessee and the gentleman from Missouri [Mr. DE ARMOND] upon the course of Mr. Justice Shiras in the income-tax cases. I hope at some day in the near future to have the attention of the House on that subject.

Mr. MCMILLIN. I indicated in the beginning of my remarks all that I wanted now was to insert in the RECORD these extracts in answer to what my distinguished friend from New York [Mr. BARTLETT] has said. I give notice that in response to what the gentleman from Pennsylvania [Mr. DALZELL] may say, we shall desire a little time.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the Committee of the Whole recur to page 11, line 23, for the purpose of correcting a typographical error.

There was no objection.

Mr. CANNON. I move to amend by striking out, in line 23, page 11, the word "four" and inserting "eighty-two."

The amendment was agreed to.

Mr. CANNON. Does my friend from Texas [Mr. SAYERS] desire to proceed with his remarks now?

Mr. SAYERS. I think, Mr. Chairman, that the committee might rise now and allow this debate to be concluded on Monday.

Mr. CANNON (after conference with Mr. SAYERS). Mr. Chairman, the gentleman from Texas and myself have agreed (as I have consumed ten minutes and he twenty minutes) to ask that the remainder of the debate upon this proposition be limited to two hours, one hour on each side.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the residue of the debate on the pending paragraphs be limited to two hours, one hour on each side. Is there objection? The Chair hears none, and it is so ordered.

Mr. CANNON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union had had under consideration the general deficiency appropriation bill, and had come to no resolution thereon.

Mr. CANNON. I move that the House now adjourn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 621) for the relief of the legal representatives of George McDougall, deceased—to the Committee on Claims.

Joint resolution (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session—to the Committee on the District of Columbia.

A bill (S. 1811) to extend the uses of the mail service—to the Committee on the Post-Office and Post-Roads.

A bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 3926) to correct the war record of David Sample;

A bill (H. R. 10040) granting an increase of pension to George W. Ferree;

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms;

A bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes; and

A bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TRUMAN H. ALDRICH, indefinitely, on account of sickness in his family.

To Mr. FOSS, for five days, on account of death in his family.

To Mr. SMITH of Illinois, for to-day, on account of sickness.

To Mr. BROMWELL, for one week, on account of important business.

PROPOSED ADJOURNMENT TILL TUESDAY.

Mr. BAILEY. Before the motion to adjourn is submitted, I wish to inquire of the chairman of the Committee on Appropriations whether it would not be agreeable to him that the House adjourn from to-day until Tuesday next? Monday, as we all know, is the anniversary of Washington's birthday—a national holiday.

Mr. CANNON. If I could discover some way of postponing for one day the termination of the session of Congress, I would say yes.

Mr. BAILEY. I move that when the House adjourn to-day it adjourn to meet on Tuesday next.

The motion was rejected.

The question being then taken on the motion of Mr. CANNON that the House adjourn, it was agreed to; and accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Mille Lacs Lake, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Red Lake and Red Lake River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 1811) entitled "An act to extend the uses of the mail service," reported the same without amendment, accompanied by a report (No. 3010) which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HULICK, from the Committee on the District of Columbia: The bill (S. 2469) entitled "An act authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city." (Report No. 3005.)

By Mr. COLSON, from the Committee on Claims: The bill (S. 2988) entitled "An act for the relief of W. J. Tapp & Co." (Report No. 3006.)

By Mr. RICHARDSON, from the Committee on the District of Columbia: The bill (S. 2986) entitled "An act authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown." (Report No. 3007.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 3670) entitled "An act to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army." (Report No. 3008.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5397) granting a pension to Mrs. Katherine Ogden, widow of Second Lieut. Charles C. Ogden, Company E, Thirteenth Infantry, United States Army; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SWANSON (by request): A bill (H. R. 10337) to provide for the inspection of trees, plants, buds, cuttings, grafts, scions, nursery stock, and fruit imported into the United States, and for the inspection of nursery stock grown within the United States which becomes a subject of interstate commerce—to the Committee on Agriculture.

By Mr. FOOTE: A bill (H. R. 10340) to authorize the construction and maintenance of a bridge across the St. Lawrence River—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. TRELOAR: A bill (H. R. 10338) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.—to the Committee on Military Affairs.

By Mr. DINSMORE: A bill (H. R. 10339) for the relief of Mary A. Hancock, widow of Samuel Tow, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of E. A. Dow and other citizens of Plymouth, Wis., relating to Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of H. B. Norwood and others; also of William Owen and others, of the State of Tennessee, asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Post C, Travelers' Protective Association of America, of Knoxville, Tenn., protesting against the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Missouri: Petition of S. O. Morrow and others, of Carthage, Mo., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COX (by request): Petition of W. B. Hendricks and other citizens of Graham, Tenn., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Sundry petitions of citizens of Yates Center, Emporia, Marion, Eureka, Burlingame, Wichita, and Council Grove, State of Kansas, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Theo. Minx, E. M. Mann, A. S. Silvermail, F. P. Lindsay, and numerous other citizens of Topeka and other towns in the State of Kansas, protesting against the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of sundry citizens of Allegheny County, Pa., in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Farmers' Alliance and Industrial Union, protesting against a tax on gypsum—to the Committee on Ways and Means.

By Mr. DANIELS: Petition of the Woman's Christian Temperance Union of East Aurora, Erie County, N. Y., in favor of the prohibition of the sale of intoxicating liquors at Bedloes Island and Fort Wadsworth, on Staten Island; also at Ellis Island—to the Committee on Alcoholic Liquor Traffic.

By Mr. DINSMORE: Petition of Mary A. Hancock, widow of Samuel Tow, deceased, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Petition of George J. Consigny, jr., and others, of Emmetsburg, Iowa, and F. W. Waterhouse and others, of the State of Iowa, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of M. Miller, of Boone, Iowa, praying for the passage of the Loud bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FENTON: Petition of Rev. P. F. Thurheimer and others, of Jackson, Ohio, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of Rev. C. M. Heard and numerous other ministers of Minneapolis, Minn., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Petition of Adolf Candrian, of La Crosse, Wis., indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions adopted by the Orleans County Christian Endeavor Union, of Vermont, concerning the recent Armenian outrages—to the Committee on Foreign Affairs.

By Mr. HALL: Petition of H. P. Jennings and 64 other citizens of Moberly, Mo.; also, a petition of A. Lowenstein and 33 others, of Chillicothe, Mo., favoring the passage of the Cullom and Sherman bills to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Sundry petitions of L. S. Eaton and numerous other citizens of the State of Ohio, favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of J. A. Rogers and 40 other citizens of Clarion; also, pesition of J. H. Funk, of Iowa Falls, State of Iowa, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of Rev. J. August Smith and 8 other citizens of Forreston, Ill., asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HOOKER: Sundry petitions of A. Habern and Frank Nicholl, of Vanburen; H. G. Goodman, William Moll, W. J. Meader, and others, of Dunkirk; E. B. Patterson and others, of Jamestown; S. M. Hosier, F. M. Crandall, and others, of Westfield; Ira D. Hawley and others, of Silver Creek, in the State of New York, favoring the passage of the Cullom and Sherman bills, to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HULICK: Petition of Rev. W. H. Patton, Rev. E. E. Gardner, and others, of Osborn, Ohio, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of A. B. McDonell and 25 others, of Chippewa Falls, Wis., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Resolutions of the St. Paul Chamber of Commerce, favoring deep-water survey from the head of Lake Superior to the Atlantic coast—to the Committee on Appropriations.

Also, petition of C. A. Robinson and others, of the State of Minnesota, praying for the passage of the Cullom and Sherman bills for the prevention of railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Petition of W. E. Shaley and 4 other citizens of New Bremen, Ohio, favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McEWAN: Petitions of W. M. Rankin and others, F. S. Wack and others, W. C. Dennis and others, residing in the State of New Jersey, praying for the passage of the Cullom and Sherman bills for the prevention of railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of William B. Howard, private special United States guide, asking for pension on account of disease contracted while in the service—to the Committee on Invalid Pensions.

By Mr. McDEARMON: Petitions of W. J. Edmonds and others, of Union City; T. H. C. Lownsburgh and others, of Woodland Mills; J. B. Martin and others, of Gardner; Joseph E. Jones and others, of Dresden; A. B. Childress and others, of Ralston, in the State of Tennessee, favoring the passage of the Cullom and Sherman bills to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Petition of Rev. C. J. Tamar, of Akron; Rev. R. F. Keefer and 2 other citizens of Rock Creek, and Rev. W. R. Walker, of Chardon, State of Ohio, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. QUIGG: Sundry petitions of citizens of the city of New York, viz, J. J. McManus and 8 others, Norman G. Blakeman and 8 others, William Afflick and 21 others, F. A. Haskell and 17 others, Manhattan Beef Company and 17 others, J. O. Merwin and 16 others, John Nix & Co. and 16 others, William Mooney & Co. and 19 others, Hitchcock, Darling & Co. and 16 others, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of George H. Hopkins and other citizens of Alton, Ill., in favor of the Cullom and Sherman bills to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Follett & Holcomb, of Norwich, N. Y., and 512 other citizens of various towns in New York State, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM A. STONE: Petition of A. H. Cook and 24 other citizens of Allegheny, Pa., favoring the enactment of the McMillan-Linton bills (S. 3589, H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. STRONG: Petition of Kenton Lodge, No. 114, Ancient Order of United Workmen, urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. TRELOAR: Petition of E. S. Wilson and 39 other citizens of Mexico, Mo., favoring the passage of the Cullom and Sherman bills to prevent railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 22, 1897.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Lord God of Sabaoth, with a psalm of thanksgiving we enter Thy presence to-day to thank Thee for Thy great gifts to the people of this land in the birth and life and character of the person whose natal day we celebrate. Garnering from wide fields sheaves to be the seed corn for the generations of his land in after time, faithful in his apprenticeship to every task, however lowly, that was laid upon him, steadfast under the clamor of rancorous tongues, constant in defeat, unspoiled by success, calm amidst turbulence, wise in council, giving himself to his native land with unsparing fullness, imparting his life to the country in word, in deed, in thought, in inspiration, and crowning all by an humble, devout, and reverent piety toward God, faith in the Divine Saviour, and obedience to Thy laws, he has given to us and to the world an illustration of the grandeur of character uplifted above genius and talent, a character as lofty and stainless as the shaft that rises by the shore of his beloved river, builded by the grateful hands of his countrymen, with gifts from the kings and nations of the earth to show their loyal love for this grand American, modest as the mansion that stands by the bank of the same river, his home—now cared for and preserved by the loving hearts and diligent hands of the daughters of the country.

We bless Thee for this great gift of the most illustrious American, and pray that the influence of his life and character may pass into the souls of the rising géneration of American citizens, and that all may feel the benison of his presence and power. As we listen to the reading of his Farewell Address to-day from the lips of Thine honored servant, we pray that we may catch more and more the contagion of this great soul, and that its influence may pass through all the land, molding us to a higher enthusiasm, a deeper and devo..ter patriotism and love for the Government which under God has been transmitted to us from the hands of our forefathers as a gift to the generations to come. So bless this and all the services in commemoration of our great Washington, and may the blessing of God rest upon our whole people. We humbly ask through Jesus Christ, our Divine Saviour. Amen.

The Journal of the proceedings of Saturday last was read and approved.

Mr. BACON. Mr. President, I suggest the want of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Daniel,	Mantle,	Stewart,
Bacon,	Davis,	Martin,	Thurston,
Bate,	Elkins,	Mills,	Tillman,
Berry,	Faulkner,	Mitchell, Wis.	Turpie,
Blanchard,	Gallinger,	Morgan,	Vest,
Brown,	Gear,	Palmer,	Vilas,
Burrows,	Hansbrough,	Pasco,	Voorhees,
Caffery,	Hoar,	Peffer,	Walthall,
Cannon,	Jones, Ark.	Perkins,	Wetmore,
Carter,	Kenney,	Platt,	White,
Chandler,	Lindsay,	Pritchard,	Wilson.
Chilton,	McBride,	Sherman,	
Clark,	McMillan,	Shoup,	

The VICE-PRESIDENT. Fifty Senators have answered to their names. A quorum is present.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Secretary will read the resolution adopted by the Senate on the 19th instant.

The SECRETARY. On February 19 Mr. HOAR submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That on Monday, February 22, current, immediately after the reading of the Journal, Washington's Farewell Address be read to the Senate by Mr. DANIEL, a Senator from the State of Virginia, and that thereafter the Senate will proceed with its business.

The VICE-PRESIDENT. Pursuant to the resolution just read, the Chair has the honor to present the Senator from Virginia [Mr. DANIEL], who will read the Farewell Address of President Washington.

Mr. DANIEL, from the Vice-President's desk, read the Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue;